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JOURNAL

OF

SOCIAL SCIENCE,

CONTAINING THE

TRANSACTIONS OF THE AMERICAN ASSOCIATION

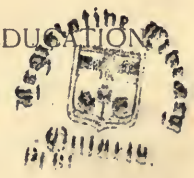
NUMBER XXXIV.

NOVEMBER, 1896.

SARATOGA PAPERS OF 1896.

EDUCATION, JURISPRUDENCE, AND FINANCE PAPERS,

WITH THE DISCUSSION ON NEGRO EDUCATION AND TRADE SCHOOLS.



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AMERICAN SOCIAL SCIENCE ASSOCIATION.

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EDITED BY
F. B. SANBORN
GENERAL SECRETARY OF THE ASSOCIATION
CONCORD, MASS.

GEO. H. ELLIS, PRINTER, 141 FRANKLIN STREET, BOSTON.

CONTENTS OF JOURNAL No. XXXIV.

	PAGE
Introduction	iv
General Meeting of 1896	v–viii
Business of 1896	viii–ix
Constitution and List of Officers and Members	ix–xix
List of Publications	xx–xxiv
A Sociological Retrospect, Address of the President, F. J. Kingsbury	1–14
I. Papers and Debates of the Department of Education:	15–97
1. Duty of Higher Education. Prof. Daniel Quinn,	15–28
2. Industrial Education in Old and New England. S. N. D. North	29–42
3. The Working-boy. Mrs. Florence Kelley of Hull House	43–51
4. Relation of Education to Vocation. S. T. Dutton,	52–62
5. Debate on the Trade-school Papers	63–67
Mr. Brockway's Remarks	63–65
Mr. Lee's Remarks	65, 66
Instruction of the Colored Citizens:	68–97
6. Higher Education of the Colored People. H. L. Wayland	68–78
7. Remarks of Gen. T. J. Morgan	79–84
Remarks of Prof. Silas X. Floyd	84–86
Remarks of Mr. B. T. Washington	86–88
Remarks of Mr. Hugh M. Browne	89–97
II. Papers of the Jurisprudence Department:	98–139
1. International Justice. David Jayne Hill	98–116
2. Legislation and Jurisprudence. J. Warren Greene,	117–125
3. Modern Municipal Reform. St. Clair McKelway,	126–139
III. Papers of the Finance Department:	140–181
1. Fallacies of Industrial Statistics. S. N. D. North,	140–153
2. Municipal Enterprises for Profit. Prof. S. M. Lindsay	154–161
3. Economic Productivity of Municipal Enterprises. Prof. W. F. Willcox	162–173
4. Problems of Municipal Government. Prof. J. H. Gray	174–181

INTRODUCTION.

The papers included in this number of the *Journal of Social Science* are nearly all of the Saratoga papers of 1896. As some misapprehension may exist in regard to the publication of papers by the Association, it may here be said that all papers engaged for the General Meeting of the American Social Science Association are so engaged with the understanding that they may be printed in the *Journal of Social Science*, if the Council so decide. If, therefore, the writers choose to publish their papers elsewhere (to which the Council offers no objection), it must be with the stipulation that these papers may also be published in the *Journal*, at the option of the Council as to the time of publication.

A list of all the addresses and papers at the meeting of 1896 is printed on pages v, vi, and vii. Those belonging to the Department of Health are withheld. .

GENERAL MEETING OF 1896.

The General Meeting of the Association for 1896 was held at Saratoga, N.Y., from the 31st of August to the 4th of September, inclusive, opening at 8 P.M., August 31, with an address by the President, Dr. KINGSBURY. The Departments of Education and Finance met on September 1; the Health Department on September 2; the Department of Jurisprudence on September 3; and the Finance and Social Economy Departments on Friday, September 4. The Election of Officers took place at 8 P.M., Wednesday, September 2. The Order of Business was as follows: —

The Opening Address by the President, F. J. KINGSBURY, LL.D., of Waterbury, Ct., at 8 P.M., August 31, on "*A Sociological Retrospect.*" The Annual Report of the Secretary followed, the main subject being "*A Glance Forward.*"

The Departments held sessions as follows: —

TUESDAY, SEPTEMBER 1.

Departments of Education and Finance.

9.30 A.M. Remarks by the Chairman, Rev. Dr. JOSEPH ANDERSON, of Waterbury, Ct., on "*The Educational Value of Modern Fraternities.*"

10.00 A.M. A Paper by Prof. DANIEL QUINN, of Washington, D.C., on "*The Duty of Higher Education in our Times.*"

11.00 A.M. A Report by Prof. S. M. LINDSAY, of the Finance Department, on "*The Growth and Significance of Municipal Enterprises for Profit.*"

11.20 A.M. A Paper by Prof. WALTER F. WILLCOX, Cornell University, on "*Methods of Determining the Economic Productivity of Municipal Enterprises.*"

12.00 M. A Paper by Prof. JOHN H. GRAY, of Evanston, Ill.

8.00 P.M. A Paper by Rev. Dr. H. L. WAYLAND, of Philadelphia, on "*The Higher Education of the Colored People of the South,*"

followed by a Debate, which was opened by Gen. T. J. MORGAN, followed by Mr. BOOKER T. WASHINGTON, of Tuskegee, Ala., and Mr. HUGH M. BROWN, of Washington, D.C.

WEDNESDAY, SEPTEMBER 2.

Department of Health.

9.30 A.M. A Paper by P. R. BOLTON, M.D., Tutor in Surgery, New York University, on "*The Physiology of Exercise.*"

10.00 A.M. A Paper on "*Medical Selection for Life Insurance,*" by BRANDRETH SYMONDS, M.D., Examiner for the Mutual Life Insurance Company of New York.

11.00 A.M. "*The Introduction into Medicine of the Thyroid Gland,*" by the Secretary of the Department, PEARCE BAILEY, M.D., Assistant in Neurology, Columbia College, New York.

8.30 P.M. A Debate on "*Immigration and Quarantine,*" opened by STEPHEN SMITH, M.D., of New York, followed by F. B. SANBORN, and others.

THURSDAY, SEPTEMBER 3.

Department of Jurisprudence.

9.30 A.M. Remarks on "*Highway Laws,*" by the Chairman of the Department, Prof. WAYLAND.

10.00 A.M. A Paper by J. WARREN GREENE, Esq., of Brooklyn, N.Y., on "*Legislation in its Relation to Jurisprudence.*"

11.00 A.M. A Paper by President D. J. HILL, of Rochester, N.Y., on "*International Justice,*" followed by a Debate.

8.00 P.M. An Address by ST. CLAIR MCKELWAY, Esq., of Brooklyn, N.Y., on "*Reform in Municipal Government.*"

FRIDAY, SEPTEMBER 4.

Department of Social Economy.

9.00 A.M. Remarks by the Chairman of the Department, F. B. SANBORN, introducing a Paper by Mr. NORTH on "*The Fallacies of Industrial Statistics.*"

9.30 A.M. A Paper by S. N. D. NORTH, Esq., of Boston, on "*The New Industrial Education in England and Massachusetts.*"

10.30 A.M. A Paper, "*The Working Boy*," by Mrs. FLORENCE KELLEY, of Chicago, Factory Inspector of Illinois.

11.30 A.M. Remarks on "*The Necessity for Trade Schools*," by the Secretary of the Department, JOSEPH LEE, Esq., of Brookline, Mass.

12.00 M. A Paper on "*Education as Related to Vocation*," by S. T. DUTTON, Esq., of Brookline, Mass.

12.30 P.M. A Debate on the "*Trade School Question*," opened by C. W. BIRTWELL, Esq., of Boston, and continued by Z. R. BROCKWAY, Esq., of the Elmira State Reformatory, and others.

4 00 P.M. The "*Trade School Question*," continued.

The officers chosen September 2 follow on page xii.

BUSINESS OF 1896.

As usual, only four of the five Departments of the Association were effectually represented at the General Meetings, the Finance Department having joined with the Education and Social Economy Departments in presenting Papers.

In addition to the list of Papers announced by the Council, and given above, a Paper advocating his particular system of deaf-mute education was volunteered by Dr. E. M. Gallaudet of the National Deaf-Mute College at Washington, and very briefly debated in the Department of Education, September 10.

In place of Dr. J. M. Brannan, chairman of the Health Department, who had arranged for a debate on "Immigration and Quarantine," but was unable to be present, Dr. Stephen Smith of New York, the delegate from the United States to the International Sanitary Conference at Paris in 1895, opened this debate, and, besides speaking at some length on the inefficiency of the traditional quarantine, and the improved sanitary methods that have

taken its place, largely, gave some interesting results of his investigation, as a member of the New York State Board of Charities, into the superfluity of hospitals and infirmaries in the cities of New York, Albany, Buffalo, Syracuse, etc. It appeared that many more hospitals have been set up than the public good requires, and that much needless outlay of money and some considerable abuses have been the consequence. In regard to international sanitary arrangements, Dr. Smith gave the latest facts, and pointed out how simple a matter it is to prevent the spread of cholera, if the proper means are taken,— as is now done by most of the European nations. Cholera, he said, always reaches Europe by way of the Mahometan pilgrims to Mecca, and always comes to America in immigrant vessels. The needful precautions would keep it away from us and from Western Europe.

Dr. Pearce Bailey read a most interesting and valuable paper on the treatment of insanity, and particularly the form of disease called myxoedema, by means of thyroid-feeding; that is, the supply of the wasted or atrophied thyroid gland in men by using as food the prepared thyroid of a sheep. He described the origin of this treatment, and how it has been extended, with noticeable results, to the case of cretins,— and sometimes to other forms of insanity than that for which it is a specific. A debate followed, in which Mr. Sanborn mentioned the experiments in Scotland, some of which he had witnessed, and said that the treatment was successfully used by Dr. Adams of the Westboro Insane Hospital, in Massachusetts, Dr. C. P. Bancroft of the New Hampshire Asylum at Concord, N.H., and other specialists, resulting sometimes in recoveries from mania and melancholia. The paper will appear elswhere.

Although the papers on Trade Schools were read in the Department of Social Economy, for convenience, they are here printed among the Education Papers, where they properly belong.

It was voted to refer to the Council and its Special Committee all propositions for union with other associations, and also the question of time and place for the next General Meeting.

CONSTITUTION,

LIST OF OFFICERS, MEMBERS, ETC.,

OF THE

American Social Science Association

NOVEMBER 1, 1896.

CONSTITUTION.

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its object shall be classified in five departments: the first, of Education; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. The Council shall consist of President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-Laws. The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And, whenever a Local Department shall be organized and recognized as such by the Council, its Chairman shall become *ex officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life-member exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendment.

American Social Science Association.

(Founded in 1865.)

OFFICERS OF THE ASSOCIATION.

1896-97.

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IV. *Social Economy.*—F. B. SANBORN, Concord, *Chairman;* JOSEPH LEE, Brookline, Mass., *Secretary.*

V. *Jurisprudence.*—Prof. FRANCIS WAYLAND, New Haven, *Chairman;* F. J. STIMSON, 709 Exchange Building, Boston, *Secretary.*

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MEMBERS OF THE ASSOCIATION.

[All officers are *ex-officio* members of the Association; but persons serving on the Department Committees may or may not be members of the Association. In this present list the annual members are given alphabetically, without reference to States; then the life members follow, classified by States; and, finally, the honorary and corresponding members. The only distinction between honorary and corresponding members is that the former reside in the United States, the latter in foreign countries. It is a rule of the Association to drop from the list of annual members those who have not paid their assessment for two years. If former members do not find their names on the list as it now stands, it will generally be for the reason just mentioned.

No List of Members of the Association, as printed, can ever be quite complete, so many changes occur by death and withdrawal, the accession of new members, etc. The following list is as complete as the Secretary could make it up to Nov. 1, 1896; but no doubt the addresses of several members are wrong, and there are instances of names misprinted, etc., of which the Secretary will thank any person to notify him when the fact is observed.]

ANNUAL MEMBERS.

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President of the Social Science Club, Ware, Mass.
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CONTENTS OF NUMBER TWENTY-SEVEN.— General Meeting of 1890. Constitution, List of Members, etc. The Third Estate of the South — Rev. A. D. Mayo. The Single Tax Debate — Remarks by Samuel B. Clarke, Professor Thomas Davidson, W. L. Garrison, Professor John B. Clark, President E. B. Andrews, Professor E. R. A. Seligman, Louis F. Post, Edward Atkinson, Henry George, Professor W. T. Harris, and James R. Carret.

CONTENTS OF NUMBER TWENTY-EIGHT.— General Meeting of 1891. M. Levasseur on Malthus. The Late Rufus King. President White's Addresses. I. Papers of the Social Economy Department: 1. Labor Organizations — S. M. Hotchkiss. 2. Trades-unions — S. Gompers. 3. Trades-unions and Wages — Prof. J. W. Jenks. 4. Shoemaking in Connecticut — F. J. Kingsbury. 5. Arbitration, Voluntary and Compulsory — Mrs. C. R. Lowell. 6. Compulsory Arbitration — Seymour Dexter. 7. Social Side of Unions — George Gunton. 8. Trades-unions and Apprentices — E. W. Bemis. II. Miscellaneous Papers: 1. Treatment of Hydrophobia — Dr. Paul Gibier. 2. The Silver Question — J. D. Warner. 3. Reform of the Civil Service — W. D. Foulke.

CONTENTS OF NUMBER TWENTY-NINE.— Introduction. The General Meeting of 1892. The Late Dr. Pliny Earle. I. Summer Camps for Boys — Dr. W. T. Talbot. II. The New York City Health Department — Dr. Cyrus Edson. III. The Tenement House: Its Influence upon the Child — Dr. Mary E. Herrick. IV. The Progress of the Financial Credit of the Government of the United States — Joseph T. Brown. V. Aids in the Study of Social Science — F. B. Sanborn. VI. The Care of Epileptics — Dr. Frederick Peterson.

CONTENTS OF NUMBER THIRTY.— President Wayland's Address. General Meeting of 1892. Obituary Notices: Sir Daniel Wilson — Mrs. C. H. Dall. George William Curtis — F. B. Sanborn. I. Miscellaneous Papers: Social Science in the Nineteenth Century — F. B. Sanborn. Art Education in American Life — Miss M. B. Martin. Commitment of the Insane

in New York City — Dr. M. D. Field. County Jails as Reformatory Institutions — E. B. Merrill. American Childhood from a Medical Standpoint — Dr. H. L. Taylor. II. Papers of the Social Economy Department: 1. Sweating in Germany — Rev. J. G. Brooks. 2. The Sweating System in the United Kingdom — D. F. Schloss. 3. Conditions of the Labor of Women and Children in New York — Dr. Anna S. Daniel. 4. The Sweating System in Massachusetts — H. G. Wadlin. 5. Tenement-house Workers in Boston — W. F. Hicks. 6. The Sweating System in General — Joseph Lee. 7. Legislation. — Appendix — Joseph Lee. The Great Coal Combination and the Reading Leases — C. L. Munson. Publications of the American Social Science Association.

CONTENTS OF NUMBER THIRTY-ONE. — Order of Business, Saratoga Meeting of 1893. George William Curtis: A Tribute — Edward B. Merrill. Socialism and Social Science: A Report — F. B. Sanborn. Recent Progress in Medicine and Surgery — Frederick Peterson, M.D. Debate on Myxoidema. Compulsory Arbitration — H. L. Wayland, D.D. I. Papers of the Finance Department: 1. Three Factors of Wealth — F. J. Kingsbury. 2. Bimetallism or the Double Standard — J. L. Greene. 3. Present Status of Silver — Dr. C. B. Spahr. Speech of Secretary Carlisle. II. Papers of the Social Economy Department: 1. Phases of Social Economy — F. B. Sanborn. 2. Mutual Benefit Societies in Connecticut — S. M. Hotchkiss. 3. The Sweating System in 1893. III. Papers of the Jurisprudence Department: 1. Reformation or Retribution? — Eugene Smith. 2. A Reply to Mr. Smith James McKeen. 3. Modern Methods with Criminals — C. A. Collin. IV. The Education of Epileptics — Dr. L. F. Bryson. Note on the Sweating System. Constitution, List of Officers, Members, and Publications.

CONTENTS OF NUMBER THIRTY-TWO. — Order of Business, Saratoga Meeting of 1894. The Reign of Law — President Kingsbury. Present Aspect of the Silver Problem — Prof. Jenks. I. Papers of the Social Economy Department: Relief of the Unemployed: Reports. II. Papers of the Jurisprudence Department: 1. The Elmira System — C. D. Warner. 2. Mobs and Lynching — G. C. Holt. 3. State Surgery — Rev. Dr. Wayland. III. Papers of the Health Department: 1. International Sanitary Conferences — Dr. S. Smith. 2. Newspaper Work for Women — Mrs. Welch. IV. Papers of the Education Department: 1. English as a Universal Language — D. G. Porter. 2. Higher Education in Greece — Prof. D. Quinn. 3. The Place of Social Philosophy — Prof. G. G. Wilson. 4. Relation of Sociology to Scientific Studies — Prof. F. H. Giddings. 5. Practical Instruction in Civics — Prof. J. Macy. 6. Possibilities of Social Amelioration — Prof. J. J. McCook. Constitution, List of Officers, Members, and Publications.

CONTENTS OF NUMBER THIRTY-THREE. — Order of Business, 1895. The Silver Debate. Life in Cities — President Kingsbury. Society and Socialism — F. B. Sanborn. Naval Education — C. F. Goodrich. Debate on Free Coinage of Silver — A. J. Warner, J. Patterson, J. Sheldon, R. G. Horr, A. B. Woodford, M. D. Harter, A. Higgins, A. P. Stokes. A Mexican Lawsuit — W. S. Logan. Mexican Affairs — Señor Romero. Education at the South — Dr. J. A. Dreher. Trade Schools — J. Lee. The Swiss Referendum — E. V. Raynolds.

CONTENTS OF NUMBER THIRTY-FOUR. — Order of Business, 1896. Constitution and List of Officers and Members. President's Address — F. J. Kingsbury. I. Papers of Education Department: 1. Duty of Higher Education — Prof. Daniel Quinn. 2. Industrial Education in Old and New England — S. N. D. North. 3. The Working Boy — Mrs. Florence Kelley, of Hull House. 4. Relation of Education to Vocation — S. T. Dutton. 5. Debate on the Trade-school Papers: Mr. Brockway's Results; Mr. Lee's Remarks. Instruction of the Colored Citizens: 6. Higher Education of the Colored People — H. L. Wayland. 7. Remarks of Gen. T. J. Morgan; Remarks of Prof. Silas Floyd; Remarks of Mr. B. T. Washington; Remarks of Mr. Hugh Brown. II. Papers of the Jurisprudence Department: 1. International Justice — David Jayne Hill. 2. Legislation and Jurisprudence — J. Warren Greene. 3. Modern Municipal Reform — St. Clair McKelway. III. Papers of the Finance Department: 1. Fallacies of Industrial Statistics — S. N. D. North. 2. Municipal Enterprises for Profit — Prof. S. M. Lindsay. 3. Economic Productivity of Municipal Enterprises — Prof. W. F. Willcox. 4. Problems of Municipal Government — Prof. J. H. Gray.

In separate pamphlets: The Single Tax Debate, 1890; Discussion of Labor Organizations, 1891; and the Sweating System, 1892; also, Relief of the Unemployed, 1894, and Pauperism and Whiskey, 1894; Free Silver Coinage, 1895.

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THE PRESIDENT'S ADDRESS.

A SOCIOLOGICAL RETROSPECT.

BY F. J. KINGSBURY, LL.D.

[Read Monday evening, Aug. 31, 1896.]

In 1796 the United States of America was seven years old,— a healthy infant, no doubt, but hardly yet out of its swaddling-clothes. The firm hand and wise head of George Washington still presided over its destinies, but it gave full scope for all his firmness and wisdom. We are just beginning to get far enough away from that period to take a true historical perspective of events, and to estimate the relative value of forces with some degree of accuracy. The nation did not spring, full-fledged, into existence from the brain of Minerva, or from any other brain, although, thanks, probably, to Fourth of July orations, we have been for many years in the habit of looking at it in that way.

In 1783, having maintained with success an eight years' struggle with Great Britain, and having by the justice of our claims, and the manner in which they had been defended, raised up a strong and growing party in our favor within the empire itself, the mother country concluded, as a matter of economy, to wash her hands of us, and to see how we could manage by ourselves. A large party there, probably a majority, had little faith in our ability to make ourselves a nation; and they were not without reasons for their opinion. A common danger, a common necessity, and a common desperation had bound together, during that long struggle, a great number of heterogeneous and wholly discordant elements; and the ending of the struggle with the declaration of peace at once let them all loose again, and in full freedom to play upon each other.

Looking at it from this distance, it would seem that, when the independence of the colonies was once acknowledged, all that they had striven for was secured. Doubtless it appeared so to many in that day. The war was over, the army disbanded, Washington had taken formal leave of his officers, and retired to Mt. Vernon.

There was to be no more fear of an enemy, no more taxation, no more cruel separation of families. No more of those times that tried men's souls, and women's most of all, when all hearts were failing them for fear. Now they had nothing to do but resume the arts of peace,— to go on and prosper.

But closer students of our history have taught us that the real truth was far different from this, and that for four years longer the nation's fate hung suspended in a balance not less tremulous and not less perilous than during the time which followed the retreat from Long Island or the awful winter of Valley Forge.

What was this people whom England had reluctantly admitted to be "free, sovereign, and independent"? There was as yet no nation, no United States of America. For, though Jefferson had used these words in the Declaration of Independence, it was as but a dream of hope, a prophecy unfulfilled. Really, they were thirteen colonies, extending through sixteen degrees of latitude, each one varying from every other, in soil, in climate, in form of government, in history, in habit, in tradition, in ambition, in hope.

Let us consider for a moment some of these differences.

New Hampshire had long been a royal colony, ruled by a royal governor on an aristocratic plan.

Massachusetts,— first a Puritan self-government, almost a hierarchy, afterwards brought under royal sway, but independent, proud, wilful, and domineering. The seed which there had blossomed into rebellion was by no means dead, and slept in a fertile soil.

Rhode Island,— the non-resistant liberty of Roger Williams, reenforced by the stubborn endurance of the Quakers, strong to suffer and slow to yield. She was the last to accept the new government, and finally yielded only when it had ceased to be of importance whether she did or not.

Connecticut,— a pure democracy from the beginning, the mother of constitutional government; proud of her chartered rights, and the only one of the colonies that knew by experience to the full what self-government meant, and had tasted too fully its sweets to yield one iota to a more aristocratic or any other superimposed form; asking nothing but to be let alone.

New York,— another royal colony, rich and powerful, fully alive to the importance of her commanding position and to her commerce as a road to further wealth.

New Jersey,— without a port of importance, relying on her man-

ufactures, agriculture, and mines, and not unjustly, but very decidedly, jealous of her great commercial neighbor.

Pennsylvania,— her destiny bound up in the traditions of William Penn, rendered very non-elastic by a strong infusion of Dutch conservatism,— an empire in the breadth and richness of her domain.

Maryland,— as avowedly Catholic in her religion as all the rest were Protestant, and in this regard having nothing to gain and everything to lose.

Delaware,— small, but proud, and always afraid of being swallowed up.

Virginia,— politically democratic, socially aristocratic,— a white aristocracy based on negro slavery. A lesser England in her ideas, with an ambition as wide as her domain. The plantation was her unit, and the lord of the manor her typical man.

North Carolina,— poor and sensitive, strong in her convictions of right and with the courage to maintain them.

South Carolina,— wealthy, imperious, and exacting.

Georgia,— a Puritan colony, modified by the accident of slavery and a semi-tropical environment.

These were the several members of this loose confederation, held in place hitherto by the cohesive power of a common danger, which power was now suddenly withdrawn, leaving in full play all the passions, interests, prejudices, and jealousies, not only which belonged to them by nature, but which had been engendered by eight years of repression, forced sacrifice, and real or fancied slights and wrongs. And it was not until after it had seemed many times that all which had been sacrificed during eight years of war was about to be thrown away that Washington and his wise counsellors saw these warring elements united in one people, under a Constitution which, considering the problems it had to solve and its success in their solution, may well be regarded as one of the wonders of the world. As a sociological event, it outranks in importance any other within a century on either side. The Revolution in France which immediately followed it, and which perhaps ranks next in importance, was the work of a wholly different type of civilization, and in method, motive, and result was widely differentiated from ours; yet it confessedly caught much of its inspiration and encouragement from what had taken place here. Our people had the disadvantage of less homogeneity; but they had the advantage of knowing better what they wanted, and a

much clearer idea of the use they proposed to make of their own way when they got it.

1796–1821.

During the first quarter-century of our existence, perhaps the most important work accomplished, aside from the assertion and maintenance of our rights as a nation, was the unifying and connecting of the distant portions of our vast territory by a system of roads and canals, and an extension of slack-water navigation on the larger streams. A great majority of these works were long since abandoned, having been replaced by railroads; but their utility in opening up our new country and binding together as one the varied and widely separated States was of high importance. To indicate somewhat the conditions of intercommunication at this point let me say that I have in my possession a letter written during the period under consideration by an officer in the United States Army, then stationed at Fort Adams on the Mississippi River, to his brother in Connecticut. He speaks of his desire to visit home, and the importance of such a trip to him for attending to some business interests; but he says, "I can get but six months' leave of absence, and that barely gives me time to go and return, without leaving any margin for attending to my business affairs."

In this quarter of a century, steam navigation, which had for some time attracted attention, became an assured success. The railroad had not yet appeared. It is an interesting speculation to consider what would have been or might have been the influence of its earlier introduction. Perhaps it is not too much to say that, if in 1800 the railroad had been fairly developed, a very large part of the State of Ohio would to-day have been an unbroken wilderness. Ohio lands were sold for $1.25 an acre, but it cost an average of $13 an acre to clear them of timber and fit them for use. If for three or even five cents a mile Illinois prairies could have been reached and bought for the same price, the same money would have bought almost ten times as many acres. In that case what would the country have done for Presidents? It startles one to think of it; although, really, recent experience seems to show that candidates may be grown upon almost any soil. *Per-contra*, it may be worth consideration that the people who can put $13 an acre worth of money or muscle into the developing of new land for a home are not laying a bad foundation for future Presidents.

Perhaps I ought here to remark that, adopting in a general way our own division of Social Science into five departments, I am endeavoring to present the leading features in those departments for each twenty-five years during the last century. Therefore, having noted what belongs to the general department of Jurisprudence, I turn back to consider the department of Health.

In 1798 Edward Jenner put forth his experiments and their results in vaccination with kine-pox, as a preventive for small-pox. It is absolutely impossible for us at this time to appreciate what the whole civilized world suffered prior to 1798 from the fear of small-pox. It was an ever-present terror. It was one of the great and dreadful risks always to be reckoned with as a part of every journey. The laws of self-preservation prevented in many cases the care and attendance which were absolutely required, and strangers and sojourners had little chance of securing even moderate care and comfort. The only known protection was voluntarily to subject one's self to the disease by inoculation under favorable circumstances, when treatment and medical attendance could be commanded, and then to take the chances. All through New England, and probably in other thickly settled portions of the States, what were called "pest-houses" were established by private enterprise or philanthropy. These were some old or slightly constructed buildings, far from other human habitation, usually under the care of some physician of local reputation in the treatment of the disease. Personal attendants were employed who had already had it, and thus were safe from its attacks. A preparatory course of treatment, intended to put the patient in a favorable constitutional condition, was the first step. Then he went to the pest-house, was inoculated with the virus, and awaited the result. The pathology for many years was little understood by the best physicians, and remedies were used which are now known to have been only aggravations of the disease. The statistical tables, which, under the circumstances, can be regarded as little more than guesses, place the mortality of the pest-houses as "one in six or seven hundred"; but I imagine this is a low estimate. Those who died were buried quickly in some lonesome place near the pest-house, where a grave could be easily dug, and far removed from usual places of sepulture. Sometimes the grave was marked by a rough field stone placed at either end, sometimes by nothing. From some knowledge of the sites of some of these pest-houses, the number of graves known to exist of those buried from them,

and the population of the district from which the patients were taken, I should judge the death-rate to be two or three times as great as that above given.

If any one desires to know what one good and not especially timid man suffered through a long life from this terror, let him read the life of the Rev. Dr. Samuel Johnson, the first president of (then King's, now) Columbia College, of the city of New York. In 1722 he and two very intimate friends, one a fellow-townsman, went to England to obtain Episcopal ordination. His young townsman died in London of small-pox. In 1753, when he was elected president of the college, a serious objection to his acceptance was that in New York he should be more subject to small-pox than in Stratford, Conn. In 1756 his second son William, a young man of much ability and great promise, having gone to England on the same errand of ordination, died there of the small-pox. In 1758 his wife died of small-pox. In terror and dejection he resigned the presidency, and went back to Stratford. Among the many causes for thankfulness upon which, with pious humility, he dwelt during his whole life, one can but believe that one of the greatest of all was that he did not finally die of the small-pox. Poor old man! How he suffered! Yet he is but a representative of his time, the main difference being that in his case his fears and sufferings have gone on record, and so have been preserved for our edification. Out of this vale of misery Edward Jenner lifted the world. He met with much opposition, but had the happiness of living to see his discovery fully established, and to receive a substantial reward from a grateful nation.

During the remainder of this quarter of a century little more of progress in what relates to health can be noted than a broader and more scientific system of medical education than had hitherto prevailed, leading to the establishment of sundry small medical schools in various parts of the country, which in their turn disappeared, and gave place to more modern methods.

In Education the most noticeable signs of progress in the quarter-century under consideration are the introduction of natural science into the college courses, or the very great extension of those courses in that direction. Before that time Latin, Greek, and sometimes Hebrew, with mathematics and a very moderate amount of physics, covered the whole college course. Chemistry had not long before this time passed into scientific form. Priestley, the discoverer of oxygen (which discovery laid the

foundation of scientific chemistry) did not die until 1804.* The observations of the early geologists, and the arguments and speculations by which they were accompanied, had a great influence in freeing and broadening human thought, and throwing off the bondage of a literal interpretation of the Hebrew speculators, as being the final word in questions of science. The increase of medical schools about this time has already been noticed. The first school wholly for the study of law, the famous one at Litchfield, Conn., was begun in 1784; but its influence on the profession and its methods of study was active during the period under consideration. Several theological seminaries were established; and the opportunity for study thus given, though it did not accomplish much immediately, laid the foundation for a great subsequent advance in historic study and Biblical interpretation. The Herschels' great progress in the science of astronomy also belongs to this period; and, although its sociological value may not be obvious, it made knowledge certain, where before it was vague, and probably tended to allay the fear of comets and other celestial terrors, which in former times of superstition was a source of much suffering.

1821–1846.

Coming to the next twenty-five years, from 1821 to 1846, in the department of Jurisprudence we can note the abolition, in most States, of the stocks and the whipping-post as punishment for criminals (the pillory and the ducking-stool having gone long before), and the abolition of imprisonment for debt. Whether the fear of imprisonment tended to keep men out of debt would be an interesting question for the penologist. Whether putting a man in prison enabled him to pay his debts would be a good problem for a political convention. The introduction of a wise and liberal joint-stock act, the credit of which is generally conceded to Theodore Hinsdale, of Connecticut, is among the most important legislative events in this period, from a sociological standpoint.

So far as we know, human slavery is as old as human society. It came to this country as a part of established social order, and during more than a hundred years had been a fixed part of our social system before Thomas Clarkson, in the middle of the last century, called attention to its intrinsic wrongfulness and its un-

* He died in America, though an Englishman; while Count Rumford, his emulator, though an American, died in France.

wisdom, in a manner to gain the public ear. Meantime economic interests had almost eliminated slavery from the Northern and Eastern States, while from the same causes it largely increased in the Southern portion of the country. It is not necessary to spend time upon it here further than to note that during the period now under discussion it became a question of vital consideration, growing year by year more absorbing, until it finally became almost the only issue of national importance. The acquisition of Texas and the war with Mexico were episodes in our history closely connected with this controversy.

Prior to 1821 there was but one public water-works deserving the name in the United States; namely, that of Philadelphia. The largest cities were supplied from wells, surrounded by ground in a most unsanitary condition; and, of course, all modern appliances for domestic sanitation were impossible. By 1846 or a little later every city in the country, of any considerable size, many smaller towns and villages, as well as detached country dwellings, were supplied with a full flow of pure water, usually at a price hardly more than nominal; and most houses of any importance were supplied with hot and cold water, baths, and other sanitary appliances. This period, then, may be fitly marked as the era of cleanliness; and, if cleanliness is, as we are sometimes told, next to godliness and soap a means to salvation, what more laudatory words can be used?

Prior to 1840 only a few, a very few, of our largest cities were lighted by gas. The old oil lamp on an eight-foot post, climbed by a ladder and kindled by a torch, was our only dependence. It was more poetical, but less practical; and, although it may seem a trifling matter, we passed in the same period from the flint-and-steel to the cheap friction match, and children were no longer sent from house to house to borrow fire on a shovel.

The daguerrotype, which in its various modifications is a matter of importance, scientifically, artistically, and socially, dates from 1840. A little later the practical development of the sewing-machine (about 1850) marks an era of great importance in the history of hand labor. Like all improvements proposing to substitute mechanical contrivances for manual labor, it was regarded by many with great prejudice, as likely to deprive sewing-women of a livelihood. It was found, however, that garments were so much cheapened that the demand was largely increased, that sewing on a machine was a pleasanter and less laborious occupation than

hand-sewing, and that, owing to increased demand, better prices could be paid. If anybody suffered, therefore, it was the people who bought the garments; but nobody seemed to think much about them.

One of the most successful attempts to rescue the victims of undue use of alcoholic drinks which has ever been made since mankind first began to yield to this universal appetite belongs to this era. It is known in history as the Washingtonian Movement, and had its origin with some self-reformed men in the city of Baltimore in 1840. It was followed up by the Irish temperance apostle, Father Mathew. It seems to have been one of those singular psychic waves which, sometimes for good and quite as often for bad, occasionally pass over a community, sweeping everything in its course. It is not founded in reason; but is that anything against it? How few human phases of action which assume large proportions have much to do with reason! Passion, sentiment, caprice, anger, jealousy, prejudice, what you will of a thousand things, are far more likely to sway men's wills than reason. And it is just a piece of very good fortune when, as in this case, these wild public paroxysms take a beneficent direction. It has been estimated that not less than five hundred thousand intemperate men took the pledge during this excitement, and an unusually large proportion kept it.

One of the discoveries most important to the human race, equalling, if not surpassing, that of vaccination in beneficence, was the discovery of anæsthetics. It is not necessary here to go into any detail as to its importance or its history, or the bitter controversies over the credit of its discovery. It is sufficient to say that they belong to the period under consideration.

This period is also the era of the steam railroad for passenger traffic. Introduced in England in 1827 and in this country two years later, it rapidly superseded every other method of transportation, and reorganized the lines of communication throughout the civilized world. The telegraph, by which now is only meant the electric telegraph of Morse, stands on the dividing line between this period and the next. The invention was prior to 1846, but its practical application came a little later.

Third Period, 1846–1871.

We pass on to the next quarter-century from 1846 to 1871. One of the earliest improvements that deserve a passing notice, and belong to the department of jurisprudence, is the law enacted in Connecticut in 1847, through the influence of Hon. Charles J. McCurdy, and soon adopted throughout the English-speaking world, which allowed the parties to a suit to testify. To look back upon, it seems a trivial thing, but is one of the most important advances in that somewhat artificial structure, the English Common Law, which has been made in this century or the last.

All along through this period and the subsequent one great and radical changes have been taking place in the legal position of married women. Some of these would once have been considered subversive of social order, but we are adapting ourselves to them; and while there is, I think, no question that they are either the cause or the consequence, or both, of a very considerable change in the relation of the sexes to each other, it is too early yet, and may be for a long time, to pronounce definitely as to their value in all respects.

Closely connected with this change in the status of married women has come what its friends call the emancipation of the single woman. There have always been some pretty fairly emancipated women figuring through history,— such as Cleopatra, Aspasia, Zenobia,— not to mention conspicuous figures in more modern history; but they have been the exceptions, showing only what the sex was capable of under extraordinary conditions. There is no question that the English and American idea, while making much of the individual woman, has not in many respects regarded her highly as a class. Two hundred years ago her education in ordinary cases was considered ample, if it included reading and writing; and there was some doubt whether the latter accomplishment was desirable. Gradually for a hundred years, but rapidly through this last fifty, all this has been changed,— changed for the better in most respects, we can now safely say. Her sphere of usefulness has been enlarged in many directions, and she has to a certain extent lost that sense of dependency which, while it might add to her attractiveness, was by no means sure to increase her happiness; and, if it becomes necessary for her to support a husband, as it often does, she is doubtless much better fitted to do so.

In this period, too, we note another triumph of electricity, of general importance to mankind,— the establishment, in the face of what seemed insurmountable obstacles, of the ocean telegraph, bringing all parts of the civilized world in daily and hourly connection.

Doubtless the most important event which marks this period is the abolition of negro slavery in the United States, as the outcome of the greatest civil war which the world has ever known, involving social and sociological phenomena of various kinds, on a scale of magnitude nowhere paralleled in history. We are yet too near to view it in proper historical perspective, and see its bearing on the history of the race; but it is destined for many years to be a matter of profound study and philosophic thought, as even now are the Crusades, the German Reformation, and the French Revolution.

Closely connected with this is the Geneva Arbitration, which, in the progress that it marks in peaceful diplomacy, and in its influence on the thought of the world, is to be reckoned among the benign influences of the century.

Final Period, 1871–1896.

The quarter of a century just now closed, although one of great interest sociologically, can be treated briefly, as its history is familiar, and its points of interest have been the subjects of our recent essays and discussions. In jurisprudence, a disposition among enlightened nations to avoid war and to settle disputes by negotiation or arbitration is one of the most notable and hopeful facts in human progress. Wars have not yet ceased from the earth, nor will it be possible for a long time yet, wholly to avoid them; but a strong desire to do so is a long step in the right direction. Among the minor improvements may be noted the attempts, not yet very successful, but still of much promise, to unify statute law and legal forms in the several States of the Union. The end to be gained is so plainly desirable that we have great hope some way may be found to attain it. In the arts the greatly extended use of electricity for light, heat, and power, and what may be called a by-product, the ever-wonderful telephone, excite our admiration. In medicine the discovery or development of the germ theory of disease, and its corollary, antiseptic surgery, mark a notable advance in that science.

The most alarming feature of this period is the rapid growth of an antagonism to fixed institutions and ideas, to prevailing laws and systems of ethics, to fixed habits of industry, to loyal service in return for wages paid, to respect for good order, for the laws securing property, and for nearly everything which sane people have been accustomed to consider necessary to the safety of society. Under the various names of Socialism, Anarchy, and Populism, or under no name whatever, by thousands of people scouting the idea of industry and defying the law, a vast number of men seem ready for acts of violence and any form of crime. This outburst of lawlessness had its inception in Middle Europe, and was doubtless brought here and made possible by immigration; but it has affected to some extent our native population, has succeeded in taking control of the machinery of one of our great political parties, and the end is not yet.

Let us consider now, in a brief recapitulation, what progress we have made in this century in the conduct of life. In everything that relates to Physics, covering the whole range of physical science and the mechanic arts, unless perhaps architecture should be excepted, the progress has been almost beyond the power of language to describe. Steam, electricity, each with their myriad applications to the daily uses of life, the telegraph, the telephone, the applications of anæsthetics and antiseptics in surgery, and a wide range of sanitary appliances,— these alone have worked an entire change in the forms and possibilities of daily life, have robbed it of many terrors, have altered former relations of time and space, and have given to the poorest citizen comforts and luxuries which a century ago no wealth could command.

In the æsthetic arts, while the application of them has extended geographically, in the arts themselves, in the power of ministering to our sense of the beautiful, no material advance has been made. Probably it would be strictly correct to say none whatever.

In the department of Education, while there is a necessity for covering more ground in order to be considered generally intelligent, and while there has been an immense multiplication of text-books and other educational machinery, it can hardly be claimed that great progress has been shown in method; and it is only in volume — that is, in the number taught, in the extension of subjects, and in the amount of appliances — that we can note any special progress.

Though this Association does not include the subject of religion in any of its departments directly, as not being suited to the character of its discussions, we cannot be unmindful of its importance as a sociological factor. It therefore may not be out of place here to call attention to a noticeable tendency on the part of its teachers to pay more attention then formerly to the life which now is rather than to that which is to come. It had been the habit for at least two centuries, and, to a certain extent, for a much longer period, to rely much on a supposed future state as the main motive for conduct in this. It seems, however, gradually to have grown to be the opinion that our knowledge of the future is, at the best, vague, while our knowledge of the present is clear and certain, and that there is sufficient reason and sanction for present duty to rouse the conscience and stimulate the will, although the effect of conduct here on life hereafter may still remain an added motive. It is also worthy of regard that all denominations are inclined to make strenuous efforts to so compose or minimize their minor differences that there shall be an unrestricted concert of action in the effort to disseminate more important and fundamental truth.

In regard to the care and training of children, it is noticeable that they are allowed much more freedom of action than they were a hundred years ago. And the impression seems to be that they are more honest and have better characters, while their manners, especially their sense of reverence, are not so much improved. This applies to children who are well brought up, and not to those thieving, stone-throwing young barbarians who roam our streets, and a little later fill our jails. Philanthropy and municipal authority seem alike powerless to contend with these. Captain Cuttle was of the opinion that, if you wished to make a velvet purse of a sow's ear, it was necessary to begin very early in life.

In the department of Health, if we regard anæsthetics and antiseptics as belonging to mechanical surgery, we probably have to note bacteriology as the most important discovery, after vaccination, which can be noted; and this appears to be still in its infancy, so far as practical application is concerned, although its promise is very great.

In municipal government the most we can note is an awakened sense of our shortcomings and a desire for improvement. In public charities, and especially in a clearer understanding of the

methods and rules by which charitable effort should be governed, much has been accomplished.

In these days of easy transit, travelling has become a passion. It is confined to no class of society. Many of the working people have their seaside or lakeside or mountain cottage, where they contrive to picnic through a portion of the year; while the tramps and the millionaires are constantly on the wing,— if riding on the truck of a railroad car can be fitly represented by that figurative expression. In short, domesticity is in danger of becoming one of the lost arts; and a chronic restlessness, not altogether healthful, sociologically considered, is taking its place.

Have we gained all this, and yet learned so little financial and commercial wisdom that we are ready to wreck it all in the pursuit of wild fancies and unattainable ends? We shall soon know. Meantime let us hope not.

I. DEPARTMENT OF EDUCATION.

1. THE DUTY OF HIGHER EDUCATION IN OUR TIMES.

BY PROFESSOR DANIEL QUINN, OF WASHINGTON, D.C.

[Read Tuesday, Sept. 1, 1896.]

Τὸ φανερῶς τοῦ λάθρα κρεῖττον.

We are accustomed to dwell upon the advantages of education, and on our duty of providing educational facilities for all that wish to enjoy them. Not so easily, however, can we clearly decide for ourselves what it is that we ought to furnish to those whom we would provide with the blessings of education. We leave to the practical and experimental knowledge of the great body of teachers in the schools of the country the moulding of education into whatever system they think best.

This confidence which our people reposes in its teachers demands from the teachers not only a knowledge of what kind of education is best, but also determination and ability to bring the best into existence. It is worth repeating here that in a republic such as is ours, where questions of highest import are decided by popular opinion, the duties of education and educators are almost oppressively important. And this responsibility, which rests heavily on all that undertake to belong to the teaching body of educators, rests with greatest weight on those to whom is intrusted the higher education of the young men and women of our country. The reason is simple enough; for, if higher education be not an overrated or even a fraudulent affair, it must be the training-house whence come the men that are to mould — and mould aright — and guide the opinions of the sovereign people in all matters relating to the public good.

We well know the responsibility of such leaders, perceiving that the mass of the people — though often able with terrible accuracy to locate abuses, and with burning vindictiveness to punish their oppressors and those that abuse their confidence — are yet unable

efficiently to redress their own wrongs lastingly, but, to accomplish this, must intrust themselves (often, indeed, unconsciously) to others' guidance. The people cannot be their own leader, although they can be their own avenger. But they can *defend* their leader. I here make the premise that the universities, the institutions in which are dispensed the advantages of higher education, must furnish the people with its proper leaders. And, if the expression be taken in a sense somewhat broad, I would say that it explains the entire scope of university training. A university is an institution which fits out true and proper men of the people to become leaders of the people.

The people referred to are the people of our own modern Hellenistic civilization, and especially our own people of America. And, when we speak of leaders, we mean all such men as guide the thought and action of the day. We therefore include not by any means merely statesmen and their followers, but also such other leaders as clergymen, lawyers, physicians, literary men, inventors, scientists, business men,—all men that mould or influence public opinion, habits, morality.

We hold that higher education should be within the reach of all. Our remarks, therefore, cannot displease, on the ground that we advocate the forming of an exclusive class, which would despotically sway the destinies of the uneducated. Still, we do hold that the more highly educated should naturally be the guides of the less well-educated. We distinguish, of course, between (1) the education which every man should possess in order to be a useful citizen, and to understand intelligently the more thoroughly educated man who ought to guide him, and (2) the education which should be had by him who is confident of the fact that he may, without being a mountebank, proclaim his ability to direct the morals of others, as does the clergyman, or to cure their bodily ailments, as does the physician, or to make and apply best laws for them, as does the statesman and legislator.

Higher education is, then, not only not inimical to a democratic form of government, but is highly beneficial to it. Under the point of view just considered, I might now declare the university to be an assembly of men whose whole occupation consists in trying to find out what is true and what is false, in searching for what is beneficial to civilization and progress, and in teaching the facts, results, and uses of their discoveries to all their fellow-citizens.

It would follow from this that their researches should be as public as possible, and that the results arrived at should be accessible to all. Therefore, these results should be published in a scientific way for scientific men, and, as far as possible, in a popular way for the rest of the people. Again, it follows that university courses should be open to as many suitable students as possible, and not only to them, but to the general public, in so far as the general public would not thus interfere with the investigations of the professors and their students. Accordingly, in every lecture-room and in every laboratory there should be places for visitors, who may enter at certain hours even without announcing themselves, but who can take no other than a passive part in the proceedings. To the students and professors are reserved all further privileges.

I am going to maintain that, although all possible manifestations of truth might be taught and investigated at a university, yet there are certain classes of truths that may be excluded without harm. The question then arises, What truths or what knowledge is of most worth to us? This question cannot well receive a general answer. Different kinds of knowledge are useful for different purposes. However, we might generalize by saying that mankind, in its progress, is continually meeting with new difficulties which it should know how best to overcome; civilization may indeed be immensely retarded or advanced by a proper knowledge of certain facts; much misery may be avoided and much comfort gained by other certain knowledge; powers of nature hitherto unknown may be discovered, and rendered obedient and useful to man's interests. Now, knowledge, that serves to the advancement of all these and similar ends, would seem always to be of use. In fact, it may not be wrong to think that the studious part of mankind should occupy itself with *questions that daily present themselves* through the force of surrounding circumstances. Of course, this does not mean that such questions as every man considers himself capable of talking about — the so-called "live questions" — should exhaust the topics treated in a university. The specialist, if he is unable to see deeper truths, and unable to know issues that the ordinary man does not know, is scarcely less than an impostor. Again, the professional man must study not only the direct issues, but all the circumstances that bear upon it. For these may often modify the result.

The university professor is a scholar of such a kind as to know

that what little he has learned is but a small portion of all that a man may know, and but a mite of all the science already familiar to mankind; and, therefore, he will never cease to be himself a student. And, the more he learns, the greater will be his zeal to become finally a thorough master of some truth or other. Thus the practical difference between him and his pupils is merely one of degree, not of kind. Both student and master are investigators,— the master an experienced one, the pupil a novice.

Now, the men that go to make their studies at the university must long to become thorough in whatever they intend to profess. But they will probably fail unless they find at the university competent instructors and thorough equipment. The hugeness of the sin of a university that would pretend to have sufficient equipment — not having it — is indescribably enormous. It is an attempt made by the guardians of everything that is noble to commit an imposture of the ignoblest kind. And, when the guardians of all that is noble become corrupt, then what is to become of the civilization that they are to direct?

But what kind of excellent men is the university to prepare? I answer, Only such as depend for their excellence on their intellectual abilities. This would exclude what we call skilled labor. Skilled labor may be directed rather by another's intellect than by the intellect of the operator. But professional men are not to be excluded, although care must be taken not to allow the notion of preparation for a profession to become the most prominent feature in the life of a university. What class of men, then, is to be chiefly prepared? I answer by a general word,— *teachers*. From this it follows that, although almost every possible branch of science should be taught, there are some more appropriate than others; and, therefore, certain courses exist which are rather adjunct than really part of a university curriculum.

Since not all branches of knowledge need be taught, and since only things pertaining to intellect and culture should be in the curriculum, it is clear that higher education should not always be compulsory. But it should of course be compulsory for all that need it as a means for preparing themselves to serve the people in some capacity where such intellectual preparation is required. We do not demand of every man that he know how to drive, but we would certainly demand such knowledge in our coachman.

Since some branches are more essentially proper to a university than others, it would seem natural to distinguish specially the *purer*

university courses. And in a certain loose way the distinction is made by having a university consist of a number of professional schools attached to a philosophical school. The School of Philosophy embraces such university studies as are not strictly professional. From this point of view the centre school of a university is the School of Philosophy; and the other schools belong to a university only in so far as they are influenced by methods, systems, purposes, etc., common to them and to the School of Philosophy. This surely does not mean that the best and most desired results of university training come directly from the School of Philosophy: they may come more frequently through the other schools. Also, we do not mean that the truths taught in the professional schools are inferior in importance to those taught in the School of Philosophy. Perhaps the opposite is true. The reason why the professional schools are not so truly university schools may be merely because they look to a more direct and rapid preparation of the student for some lucrative employment.

We may need to say more about the professional schools; but for the present, regarding the School of Philosophy, we look on it as the keystone of the university. To this school the student should come with no other aim than to discover the real truth, the actual facts and their causes, in some important branch of events. He may love to study man, or he may love the study of other nature. But no matter what he studies, he is seeking for two things first of all,— for facts and their causes. Afterwards he weighs the value of the facts, considers their usefulness to man directly or indirectly, and then perhaps the practical ways of producing the best results from them. He forms the habit of despising everything that he discovers to be no fact, no truth: he learns to love everything that is true. He becomes absolutely upright in intellect; and, if strictly so in intellect, he will probably be such also in will and morals.

Of course, the philosophical scientist will proclaim, as officially sanctioned by him and his scientific research, only such truths as he himself has proved. Yet the scientist would be astounded to think that people regard him as believing nothing save what he proves by his own science. He is a man of boundless faith. Whatever new facts are made known through his inquiries, he feels them to be in part, and in part only, proven by *himself* and in part accepted by reliable faith from *others*. The scientist at every turn is dependent on the knowledge of some other man.

He naturally becomes a man who must depend upon the opinion of his fellow-man, and therefore learns to respect him.

No matter what one studies as philosopher, he seeks for the reason of existence, for the purpose, etc., on account of which that thing exists. And, with such intentions and such a method, almost any object may be regarded as worthy of philosophical investigation. But the object that has most interest for us, both as being the highest in nature and as being most close to ourselves, is ourself, or, more generally, human nature,— man. Education, then, takes pleasure in teaching us to know ourselves. But we may study ourselves in various ways. One way is to learn to know man by discovering his capabilities. And these are reliably learned by finding out historically what it is that man has done in the known past. The noblest of these actions, and the most remarkable in the opinion of men (with their surrounding circumstances and causes), are the special historic facts which make up the material for such studies as philology or even philosophy. And these two studies, the one somewhat inclined to speculation, the other to simply recording facts in the order of their occurrence, but both elevated even higher than themselves by the creative art of inspired speech, constitute, in my opinion, the very core of the School of Philosophy. In these sciences we arrive at facts concerning man himself,— facts whose truth is absolute, facts of the highest kind. It is true (unfortunately) that this placing of humanistic studies in the centre of the group is regarded with disfavor by those who wish to see every study take an immediately practical turn, who consider education as nothing more than a preparation for a career at some remunerative handicraft, and who have no love for the aristocratic and refining higher studies considered in themselves. But no science, as such, should be regarded chiefly as a servant to ordinary hand labor.

That the courses of studies cannot at the present time, when every tendency is toward greater development, be safely curtailed or made less thorough, would seem easy to admit. Long and thorough courses are threatened most by men of the modern sciences, who, being sometimes without sympathy for older methods, and confident in the excellency of what they teach, are willing to take apprentices who have had very little previous training. They are even inclined to think that not much other training is necessary, since all that is useful and worthful may be learned by the student while pursuing his specialty, regarding (as they do)

all other knowledge merely as adjunct or even ancillary to these special modern sciences.

The humanist is here, again, the reliable rock of safety. The humanist, though devoted chiefly to the study of man in his higher acts, must perforce love nature, and the study of nature in all of her forms, and is shocked and pained when he hears some weakling say that humanists have no sympathy for real science.

One danger that the student must avoid is that of engendering in himself a disrespect for the past. That such a danger should exist is astonishing, since all science must base its experiments on facts; and most facts are furnished through the medium of memory, which recalls them from the past. For the study of human nature all the historic past must be exploited. But, for the practical scientific study of man in his historic actions, it does not make much difference what special part of the past we study. However, the part selected should be as far as possible a part agreed on by all; for thus will the energies of many be turned exactly upon the same set of phenomena, and one searcher's light will illumine what another's cannot reach. This is a reason why the humanists retain chiefly old Greek and Roman life as the sample set of human actions most profitable for study. The energy of ages of scholars, directed toward that phase of human life, has so illustrated it as to make it more easily knowable, under a scientific point of view, than the contemporary life of our own time. Another reason why the life of ancient Greece and Rome is kept as a model for study is because we have in it certain high phases of life, developed up to perfection almost; and it is often of advantage to the student to know that the specimen he is examining is a perfect one of its kind.

Nature, then, must be studied,— nature in all of its phases. The true student fails to see anything in all creation unworthy of the profoundest study. Yet, for the reasons given, many will be attracted more to the study of man than to the study of other nature. And, of those who study man, a great number will wisely continue to take the old Greek and Roman as the most attractive specimens. On this account I still regard the philosophic and classic studies, which have created the modern university, as the studies best suited to remain its centre. I have here touched on a tender question, but, before leaving it, will state my proposition more clearly; namely, that it is the study of humanities, under the point of view just spoken of, that has made the modern universities.

In humanistic studies philosophy has always held the position of honor. And the special study of pure philosophy has contributed highly to the development of universities. But philosophy is all born fully and exclusively from Greek thought, and is, therefore, a portion of classic philology, and, indeed, the noblest portion.

Without intending it, I have entered into a plea for the classics; but it is justifiable to do so, if I try not to be deceived nor to deceive. All who believe in gradual development toward perfection will suspect that the master-minds of to-day, even in the realms of the natural sciences, are outgrowths of centuries of humanistic training. What the final outgrowth of present training in the natural sciences will be is yet unknown, and will remain so till the historian of the past teach the coming generations. However, the student, seeing that the natural sciences are part of science in general and deal with the discovery of truth, will continue to revere them.

One inspired teacher, with proper assistance and outfit, can do immense good. On the other hand, one useless teacher can do untold harm, and this not only by spreading inflated ignorance among his followers and by not doing positive good, but most of all by bringing ill-repute upon what he teaches, and, perhaps, training hundreds of others who will do the same evil in future time. It is the duty of universities to give their chairs, as far as possible, to men of the best talent and best energies in existence. When the universities are the centres of the best thought and action of the country, then the young people that are destined to control the coming generation will have the benefit of it all. And one reason that highly justifies the imparting of all kinds of instruction at a university is that men, each eminent in a line different from the others, are thus brought together. This continual contact of different minds brings with it a spirit of mutual appreciation and toleration, which at present seems to be one of the desirable conditions of progress in civilization.

We rest, then, on the firm principle that every kind of intellectual research, no matter what it concerns itself about, when done in a spirit of philosophy, is elevated into the ideal sphere of science. So that many occupations of the archæologist, for example, or the chemist, or the botanist, which might seem as low as ordinary manual labor, do, on account of their striving after philosophic truth, raise the searcher up into the very contemplation of the eternal laws. Every specialist discovers that his special

science demonstrates a set of truths which, perhaps, no other science could demonstrate. He should therefore feel that his science, whichsoever it be, is of absolute value in the sum of the sciences, because without it there would exist certain truths that would never become known to us. Just as the State is imperfect if one single citizen is politically defective or wanting or maltreated, so is science essentially maimed if any one special branch be either positively or inadvertently excluded. But the scientist, in recognizing his own science as an integral portion of science in general, will also think the same true of all other sciences. He will feel that, in so far as he has any positive prejudice against any specialty not his own, he is by so much unscientific.

Of all the branches to be taught, I would praise one set most highly,— the study of the political and social sciences. Only the most correct and cultivated minds should take up these studies. Here the principles of the constitution of society and of its government are studied, not from the point of view of the political office-seeker, but from that of the interested scholar. Never yet have I become untrustful of Plato's famous principle,— that politicians ought to be philosophers. And just as we would like to have no one prescribe for us when dangerously sick save a physician of repute, and would not trust the planning of a building to any but a competent architect, so, also, does it seem preposterous to suppose that the most difficult science of government and lawmaking should ever be intrusted to men not specially equipped for such duties. I would say that, since the governing of a State is so serious a matter, and the making of laws an affair of such portentousness, no man should become a legislator or a member of Congress or a judge or a lawyer, even, who is not, at least, as thoroughly and reliably prepared for his responsible position as is the physician or the clergyman for his. To express myself in academic language, just as every physician should be a doctor of medicine and every preacher of the gospel a doctor of theology, so, also, should every statesman and legislator be first recognized in some almost *unmistakable* way as being capable of teaching laws, as knowing, by correct principles, what is right and what wrong in detail. Now, the only practical way to know a man's ability in this respect is to know that he is a man of proved intellectual and moral probity, who has devoted years of his life to the scientific study of the problems concerning which he professes to be able to make or administer laws. The most suitable place for receiving

such training is the university; and the universities should equip themselves thoroughly for the work of creating future legislators, and then see to the creating of such public opinion as would not allow any self-trained opinionate to impose himself as law-maker, any more than it would allow a self-made physician to practise his impudence on our bodies. Although the degree of D.D. does not mean as much as it ought for theology, nor that of M.D. as much as it ought for medicine, yet it would be well if we had some corresponding academic degree for law, and if no one might be allowed to tamper with us in our legislatures and other similar places who did not have a testimonial of as good import (at least) as is the physician's diploma or the clergyman's license. How else can we protect ourselves?

That the work of preparing legislators is partly done by the existing law schools is true. But in law schools, not only among the students, but often among the professors, the object is not so much to teach what is right and wrong in law (this may of course be taught indirectly) as to teach what the actually existing, positive law is. The young lawyer is even allowed to feel that it is a matter of indifference to him to know whether a law be just or not: his future business is merely to endeavor to have it applied when it is to his client's interest to do so, and to have it evaded when that would be to his client's gain. Such a man may be suited for making a pleader in the court; but think of turning over the legislative power of the country to consciences trained on these lines!

So the young lawyer goes out, permitted to believe that he may defend almost any client or attack any opponent, no matter where justice and truth lie. His greatest triumph will be when he wins a case where large interests are at stake, and when he wins though all the odds, including justice, be on the other side. Think, again, of turning over to minds of this bent the legislative powers of our country!

Nay, a common way of teaching in some of these schools (a way not confined to law schools, however) is by means of *debate*, where often a set of men strive with all their zeal to seemingly prove statements which they do not believe, and are rewarded with praises or even with commemorative medals, if they win, regardless of whether they think they defended the truth or not. In old Athens the *sophists* introduced these methods; but the Athenians made them so hated that even to-day the name of

"sophist" is used in every language of the civilized world as identical with "impostor." Would that we had the virtue to brand this formal training of men in the spirit of duplicity with the disgrace that properly belongs to it! Let no man defend what he thinks to be untrue for any pretext whatsoever. Let there be in college and university no debating society that would tolerate a member who would knowingly defend, by the powers of his intellect, anything which that same intellect would tell him to be false. Let no man of honor do this even for the sake of practice.

Since the teaching done at universities has so much influence on the State, and (according to the principles I am here inculcating) should have still more influence in almost every action of the State, it seems clear that the State should interest itself seriously and continually for higher education. We all admit that the State should make it possible for every future citizen to receive such primary and intermediate education as will enable him to be an intelligent citizen, an intelligent voter. And this much the State does. But it does not seem to care how its legislators and other leaders get their preparation, or even whether they have any. We are chary of allowing the State to interfere in higher education. We think that such education is part of our own private business. Such it may surely be so long as we employ it for merely private purposes. But, when we employ our knowledge, for example, in the making of laws, then the State has a right to know how and where we get the knowledge. The State should at least interest itself so far as to be certain that a university does its duty, that it has all the equipment required for the discharge of functions it has undertaken, that it gives its degrees only on conditions universally recognized as sufficient.

It is of course clear that the number of students at universities should be limited. Yet the limitation should be made in such a way as to favor as much as possible the passing on of the best to the university. The university, in the short time of a student's career there, cannot give him a great store of knowledge. It merely makes him acutely careful and inventive and intelligent. Accordingly, in the choice of students, every university would pray to be kept free from the student who takes a certain course merely because he feels that without passing through it he cannot well become a clergyman or a lawyer or something else. Such a student will, when possible, lay aside his studies as he would lay aside a prisoner's garb as soon as he feels himself safely free. A

second type almost as dangerous is the student who thinks that, after having finished a certain curriculum, he may now rest from future labors in study because of his knowing all that for him is worth knowing. But the type the university sighs for is the student who learns much, but yet, like Sokrates, feels that all his knowledge is very small; who knows his own powers and his limitations; who is willing to guide in matters which he conscientiously knows well, and who is anxious to be guided in other matters, but never led by the nose; who remains all his life a diligent student, filling out the lines he sketched for himself while at the university.

From the principles stated, it is clear that in each department no expense should be spared to make the instruction as perfect as possible. It is no excuse for a so-called university to plead poverty. Under present circumstances a poverty-stricken university has no right to exist. It is wrong therefore to have a greater number of universities than can be supported. And university trustees should have to give bond for the prompt and full equipment of all the departments which the charter of the university would call for. Since each department is supposed to be properly equipped, and managed by the highest special intelligence and skill, it follows that each department will, in so far as it teaches a separate science, be separate in its management. But, in as far as it aims at turning out well-trained and highly developed religious and civilized men, in so far is each department in close relation to every other. All the virtues then, all the accomplishments, and all the duties, political, social, and religious, which should adorn every cultivated citizen, will form links binding one body of these investigators to all the others; and the cultivating of these ties, and the promotion of proper harmonies among all, and the binding of all together for united action (whether in certain fields of inquiry or in the ordinary affairs of daily life) should be in part the duties of those officers who oversee the entire grand system of this higher education, and in part the duty of each professor.

The unity that binds together the various branches taught is not so artificial as might be supposed from some of my remarks. All seek for truth, and truth is sufficient to unite them. Each seeks to discover what he feels to be beyond the range of his neighbor's investigation. Each feels himself to be in this respect his neighbor's benefactor, and from another aspect he feels that

he receives benefactions from the same neighbor. All are strivers, and all learn to be open-souled and honest; and this perhaps is the highest blessing that university education can confer.

I have referred to the fact that all that is done in a university should be done openly. The institution prepares men for public life, and its professors are public officials. Therefore, the country has a right to know, even in the minutest details, how these public officials are discharging their most serious public trust. It matters little, in this view, whence the professor draws his salary: he is a public official, accountable to the public. Publicity, then, which so often acts as a restraining safeguard, is to be allowed to have its salutary influence here also. This publicity is not for the sake of having the university conducted by the public. But truth and frankness and open-mindedness must be the characteristics of university men, and publicity conduces to these ends. Besides, the university, by being an institution openly conducted, will increase its opportunities of doing good and teaching the people.

This brings me to remark on the existence of secret fraternities, which would seem to be an unpropitious element in university life. Secrecy is apt to be at all times a sign of either weakness or of crime. In the case of secret fraternities, it perhaps indicates a feeling of weakness. Of course, the prime object for which such societies exist is excellent. They bring social and other beneficial results. But it is still a fact that most of us roundly despise secret means to obtain an end, even of that laudable kind. If secrecy is forced upon the young men by circumstances they cannot avoid, then perhaps they are justifiable in their own opinion; but I would not justify them. The idea that secret methods are honorable methods, if implanted in a young man's mind during his university days,— or, worse still, even during his college days,— will not grow less in after-life; and he may come to be in no way at all troubled when he resorts to secret measures of a more questionable character,— measures that soon approach underhand proceedings. Let us teach our boys that everything, in so far as it is secret, is also in so far suspicious.

A university as a unit should have itself concentrated, as it were, in the person of one of its officials,— the president, or rector. The president and other higher officers might well be taken from amongst the most eminent of the professors. The only danger would be that such a professor might be inclined to favor his own special kind of science to the detriment of some other. But, in a

university such as I have been describing, such a misfortune would not be likely to happen. Each department would have sufficient independence to withstand any short attack; and, again, the trained specialist, as already said, is not disposed to be jealous.

The conscientious and scientific university cannot, under any consideration whatsoever, consent to try to become a popular institution, and, by adopting ephemeral fads or otherwise departing from its dignity as a scientific body, seek to gain larger fame by gaining larger but cruder crowds of students. Moved onward by the considerations mentioned, the university of to-day will be able to meet the work it has to do, and will not only continue to contribute to the advancement of civilization, but will even lead it, as of right.

2. INDUSTRIAL EDUCATION IN OLD AND NEW ENGLAND.

BY S. N. D. NORTH, OF BOSTON.

[Read Friday, September 4.]

The opinion prevails among Massachusetts people that their public school system is the best in the world. Beyond doubt, it possesses many excellent features, which render its defects the more glaring. Our pride in our public schools may well be tempered with a sense of shame, in view of the fact that even in Massachusetts, where the expenditures are more lavish than anywhere else in the Union, we are doing less to promote industrial education than any country in the world, upon the same plane of civilization. The purpose of this paper is to emphasize this deficiency by contrast with the movement now revolutionizing secondary education in England, under the Technical Education Acts of 1889 and 1891.

In an address at Ossett, in 1890, Mr. Swire Smith, of Keighley, one of the most efficient members of the Royal Commission on Technical Education, appointed by the British Parliament in 1880, declared, as the conclusion to which that investigation had led; "Our entire educational system needs to be remodelled so as to meet the great practical wants of the times." That remark sounds the key-note of the new movement in old England, and it epitomizes the deficiencies of the public school system of New England. It had reference more particularly to the secondary schools of England; *i.e.*, the public schools equivalent to the American high schools. This paper is confined exclusively to this grade of schools. So far as the primary and grammar schools are concerned, there is no reason to believe that those of Massachusetts are inferior to those of England in laying the foundations of industrial education through manual training. In both countries the recognition of the need of such a foundation is comparatively recent, and in both the progress has been gratifying.

Industrial evolution necessitates educational evolution. The

new movement in England is a tardy recognition of this fact. As the factory system gradually superseded domestic industry in that country, it changed the whole relationship of the youth to his work in life. The apprenticeship system became obsolete, and nothing in the public education was in any real sense a substitute for it. As an apprentice, the young man had his work in life definitely marked out for him. Whatever his master was, he was to be: whatever his master did, he learned to do as well. And thus he came in time to be the master of a craft, with the fixed sphere in life which all that implied.

With the development of machine manufacture, under the factory system, the young man has ceased to have any industrial training until he actually goes to work in the mill, the factory, or the workshop. It is said that there is no school equal to the shop for industrial education. In a sense this is true, but in a very limited sense. As modern industry is carried on, no young man can obtain complete knowledge of the great industrial occupations from his daily experience. He comes to know a single stage in a long series of intimately related stages. Ignorant of what goes before and what comes after, he cannot learn even a single stage with that comprehensive understanding of its significance in the completed work essential to perfect workmanship. Beyond and above that, the best workman is the one who combines theoretical understanding of his trade with practical knowledge and skill. The shop supplies the latter: it teaches how, it does not teach why. It does not, therefore, teach hand and brain to work together to the best advantage.

Investigation satisfied the English people that the average quality of English workmanship had been deteriorating. They ascribed it to the fact that there was nothing in their public educational system which took the place of apprenticeship, nothing which directly tended to qualify the rising generations to carry on the industries of the country. It was a discovery of tremendous significance, both in its economic relation to England's industrial and commercial future and in the ethical relation of the State to its citizens. Out of that discovery has sprung the educational movement of which I am to speak. Its purpose is to substitute for obsolete apprenticeship an industrial educational system infinitely better than apprenticeship; for, laud and lament that system as we may, it was horribly narrow and narrowing,— an industrial strait-jacket which restricted its victims to a single walk in

life, selected by parents or circumstances, without the slightest regard for natural aptitude.

The purpose of popular education at the public expense is to fit for good citizenship. This is both its justification and its limitation. When the public-school system oversteps this purpose or falls short of its realization, it becomes an incongruous element in democratic institutions.

This definition of the function of public education is unorthodox, in the sense that it does not accord with the educational conception of its true mission. It is a definition which is being forced upon the world by the logic of events, and it is the business of practical men of affairs to force it in turn upon our educational doctrinaires.

Good citizenship means qualification to discharge the duties of a citizen in the sphere of life to which one is adjusted by environment or adapted by natural abilities. Where the ability exists to rise above environment, the public school system should offer facility and assistance. But, primarily, its purpose is not to push the pupil beyond his environment, but to fit him to develop its best possibilities.

Judged by this standard, the public-school system of Massachusetts, as its secondary schools are developed, is largely a perversion of its purpose. The tendencies of these secondary schools are not to *fit*, but to *unfit*, the mass of those who attend them for the life that lies directly before them. This criticism I take from the lips of an English expert, the representative of the Royal Commission on Technical Education, sent to this country to investigate our public-school system. His report shows that he made a thorough and intelligent study of the subject, and is full of judicious praise for the admirable work done by many of our institutions for the higher technical education, of which the Massachusetts Institute of Technology is the best type. But, turning to the common schools, Mr. Mather said that England must take warning from the errors of America.

> Our national system of education [he wrote] must not be permitted to drift to the literary side alone, as it is doing in the United States. The character of the teaching in America tends toward creating a distaste for manual labor. . . . The effect of the public schools and colleges supported by the taxation of the people is more marked in general education in the literary branches than in any special acquaintance with natural science, and in this

direction their influence is not altogether a benefit. Too large a class of young people of both sexes in America are seeking pursuits not requiring manual labor. Their education, as given in the high schools and colleges, tends rather to unfit them for the active industries of life, in a country where the vast resources of nature are waiting for trained and willing hands to utilize them. The American boy would cease to regard manual labor as drudgery if his hand and mind together were industrially trained through the school period. (p. 47, vol. ii. Second Report Royal Commission.)

The justice of this criticism has been often admitted by the educational authorities of Massachusetts. As far back as 1871 industrial education begins to be the subject of discussion in the reports of the State Board of Education; but in 1879 it reported that the problem, "How we shall combine industrial training with common school exercises," had not yet been solved. I can find nothing in later reports which indicates that the board has reached any definite conclusions on a problem whose pressing importance it recognizes. On the other hand, among our leading educators there continues to be, as there has always been, an indifference, if not a covert hostility, to any modification of secondary education which shall recognize the industrial feature.

The highest authority upon the proper courses of study in our secondary public schools is probably the report of the Committee of Ten, made to the National Educational Association in 1893 by such distinguished educators as President Eliot and Commissioner Harris. It is an able and valuable document, but the phase of industrial education is nowhere alluded to in its pages. The controlling idea in the minds of its authors was, How shall the public high school be moulded in its curriculum so as to make it a satisfactory feeder for the colleges? That, in a word, is the main purpose of the Massachusetts secondary public schools of to-day. Their several courses of instruction are specially arranged for the advantage of the comparatively small number of pupils who contemplate the college course, and with minor consideration for the practical needs of the mass who have their living to make, and must make it by some form of manual labor.

Let due credit be given, however, for some notable new departures in the direction of imdustrial training. One of the most conspicuous is the Fall River High School, where, in addition to the classical preparatory course, the scientific preparatory course, and the commercial course, there is a well-organized manual train-

ing course, in which, besides the English studies, instruction is given in mechanical drawing, commercial chemistry, and shop-work, which includes the study of gearing with the rules and formula for calculations, general machine design, the steam engine, and architectural drawing. In a city thirty thousand of whose population earn their livelihood in the cotton mills, these studies are of prime importance; but they should be supplemented by special classes in the technology of the cotton manufacture. A Fall River operative once declared before a legislative committee, in my hearing, that among the twenty thousand spinners in that city there were not a dozen who understood the principle underlying ring-spinning. I hold that statement to be an indictment of the public-school system of the greatest cotton manufacturing city of America. Young men whose life-work is to manufacture cotton should have the option of learning how to manufacture it, as well as how to conjugate Greek verbs and scan Latin hexameters. There are as nice problems in fibre treatment, in yarn spinning, in fabric calculations, as in any branch of science. The cotton-mill operative who is ignorant of them begins life condemned to the rôle of the mere machine-tender, so far as the public schools have helped to shape his destiny.

Nor am I unmindful of the Boston Mechanics' Art High School, an institution unique in New England, though partly based upon the model of dozens of technical institutions of a quasi-public character which exist in England. This institution is a tardy and, to my mind, an inadequate recognition of the perversion into which our secondary education has drifted.

Some progress is thus making in the direction of secondary industrial education. As it progresses, it everywhere comes face to face with practical and difficult problems. The first and most important of them has to do with the degree of specialization which shall be given to this industrial education.

I maintain the general proposition that public education fails of its proper purpose when it fails to give not merely the elementary general manual training, but some measure of instruction that shall fit the pupil for the best discharge of the practical duties of some specific trade, industry, or occupation, not necessarily the one the pupil will ultimately enter, but one to which he can always turn as a means of livelihood. It is impossible to instruct in every trade and occupation, and it is difficult to make selections except along

very general lines. But every large municipality can afford to do something along the line of its predominating industries.

In our failure to do this we are behind every country of Western Europe. Industrial schools, from the elementary up to the highest grades of technological training, due partly to public and partly to private funds, are predominating features of the educational systems of Germany, Belgium, the Netherlands, France, Austria, and Switzerland. I shall make no attempt to describe the technical and industrial schools which exist in these countries; but I emphasize two facts concerning them: the education they impart is meant for application; they subordinate the idea of abstract mental development to the idea of active utility. As a result of their existence, their increasing efficiency, and their rapid extension, the whole industrial life of these countries is being lifted to a higher level. The quality of the products is improving because the qualifications of the producers are improving. Industrial competency is superseding inefficiency. Better workmanship means not merely greater national prosperity, but better men and women. Industrial education promotes pride in workmanship, and imparts to labor dignity and inspiration. Setting aside the material aspects of the matter, these are the educational fruits of the Continental industrial schools.

We have no such results from our public schools in America, and the consequences are tangible and deplorable.

The Massachusetts legislature took the first step in the direction of assimilating our educational system to these European models when it passed a law (in 1895) giving $25,000 to each of our four principal textile cities for the establishment of textile schools therein upon the appropriation of a like amount from the municipal treasury. Under this law the first textile school in New England will soon be inaugurated at Lowell, where a third of the industrial population is employed in the textile industries. That school, instead of the isolation which now awaits it and the struggle for funds which must constantly embarrass it, should be fitted into the public-school system of the city. It should be as free to those desiring its advantages as the high school. Its studies should intermingle at the option of the pupil with those of the high school. It should so develop by degrees as to become in time not simply a textile school, but one in which mechanical engineering, applied chemistry, mensuration, and other practical studies are taught, particularly in its evening classes, so that those

employed in the mills in the daytime may have the fullest and freest opportunity to supplement the practical training there received with the theoretical knowledge essential to the efficient workman in every walk of life. If it is desirable to teach these studies in private and semi-public schools, why is it not both desirable and imperative to introduce them into the public schools?

What I would do in Lowell I would do in every city of the Commonwealth, with variations in the instruction given to suit the peculiar environment of each locality. The grafting of such courses upon the existing high-school courses of municipalities would add somewhat to the annual cost for education. But, once the proper facilities and apparatus were acquired, it could be done for a cost not greatly in excess of the amounts now expended annually for instruction in Latin and Greek. I would not drive the classical education out of the public-school system. My protest is against the fact that it has been allowed to drive industrial education out. It should not come to a choice between the two; but the one boy who is going to college and thence into some profession should no longer monopolize our secondary public education to the exclusion of the ninety-nine boys whose destiny in life is a trade or some manual occupation. To this lack of proper balance between what may be called the intellectual and the industrial sides of public secondary education is primarily due the fact that only about 10 per cent. of the school population of Massachusetts enters the high schools at all, and a much smaller percentage graduates from them. They must be about the business of earning a livelihood; and it is largely because the high schools afford them no aid in preparation for their industrial life-work that these schools are so largely deserted by the artisan class.

The similar criticism upon the English secondary schools was a large factor in securing the passage of the recent acts for the promotion of secondary and technical education in that country. Technical instruction, as defined in the Act of Parliament passed in 1889, means instruction in "the principles of science and art applicable to industries, and in the application of special branches of science and art to specific industries or employments."

Under this definition the instruction takes on widely different characteristics, in accordance with the peculiar industrial development of the locality. It is not intended to include the teaching of the practice of any trade, industry, and employment; and, therefore, it does not contemplate the trade school, as we understand that

expression. But, examining the provision made for tools, apparatus, and materials, we see at once that in practical experience it is found that the methods of the trade school must be resorted to. Spinning and weaving, to illustrate, cannot be taught without frames and looms. In many localities actual trades are taught in the secondary technical schools with the money provided through that act. At Luton, for example, instruction is given, under the act, in the local straw-plaiting industry, which had gotten into a moribund condition. The general plan differs from any educational development witnessed in New England public schools, in that it leads directly into a specialized trade or industry.

In the great industrial centres of England the funds provided under these laws are largely utilized to organize free classes in technical studies in the existing technical schools and colleges, thus taking advantage of the facilities of these institutions. In the end, as the experiment develops, it is probable that these technical schools and colleges will be recognized, wherever they exist, as the true basis of the governmental secondary technical education, and the most feasible instrumentality for affording free instruction in the industrial arts.

These technical schools are therefore the distinguishing feature of English industrial education, and the point at which contrast with the Massachusetts educational system properly concentrates. We have nothing wherewith to match them in America, save in a few of our large cities,— notably, Philadelphia. They are a splendid development of the intelligent liberality of the English municipalities and of their individual citizens. They are a growth of the last twenty-five years; and they are modelled in large part upon the schools of industrial technology which preceded them in nearly all the Continental countries. They exist at Manchester, Oldham, Bradford, Barrow, Sheffield, Nottingham, Liverpool, Huddersfield. Dewsbury, Keighley, Kendal, Glasgow, Dundee, Leeds, Bingley, Ossett, Wakefield, Saltaire, Salford, Birmingham, and many other towns. In each town the courses of instruction are arranged with special reference to the industrial peculiarities of that town. They give instruction which has a direct bearing upon the daily work in which the pupils are employed or expect to find employment. At Sheffield the special courses give scientific instruction in the manipulation of iron and steel; at Oldham, they cover the whole technique of the cotton manufacture; at Bradford, Keighley, Huddersfield, the wool manufacture; at

Dundee, the jute manufacture; at Nottingham, the lace manufacture, etc. At the best equipped of these institutions the instruction given is both elementary and advanced: in day classes, to those who are preparing themselves for posts of responsibility in mills and factories; in evening classes, for those who are actually at work in these factories during the daytime.

At Leeds is the celebrated Yorkshire College, which provides facilities for students who desire to carry their studies beyond the courses of the local technical schools.

The building up of these institutions has been accomplished by municipal and county council grants and by private donations; and latterly they have been generously assisted from the plethoric purses of the liveried companies of London, the surviving skeletons of the old trade guilds, many of which, particularly the Clothworkers' Company, have contributed to the erection of buildings, the establishment of scholarships, and the maintenance of teachers. The City and Guilds of London Institute, an organization in which all the liveried companies participate, has outstripped anything the government has yet done in the direction of industrial education by founding and maintaining in London the City and Guilds' Central Technical College at South Kensington, the City and Guilds' Technical College at Finsbury, the South London School of Technical Art, and the Leather Trades School in Bethual Green Road. Of these the Finsbury College is a genuine trade school, with two-year courses in the five departments of (1) mechanical engineering, (2) electrical engineering, (3) industries involving applications of chemistry, (4) building trades, (5) applied art industries.

It is the best type, within my knowledge, of the kind of school which all great industrial communities will eventually be forced to incorporate in the public educational system.

The City and Guilds of London Institute has also created something in the nature of a national system, by the establishment of inspection and technical examinations, upon the results of which are awarded certificates, prizes, and scholarships. These inspections, on application, extend to all the county council schools and classes organized or recognized under the new acts, and to the schools under the Art and Science Department of the government. I have here a list of thirty-one weaving classes and six spinning classes in the West Riding of Yorkshire alone (organized under the county council), which were inspected in 1895. These classes are maintained from the funds which the new acts have

provided. They are free. They directly reach the operative classes, and aim to promote their efficiency and to qualify them to rise in the textile industries. The examinations are open to pupils from all these schools. I attach as an appendix a list of sixty-three subjects in which these examinations are held. They cover as many distinct industries,— manufacturing industries, as distinguished from the trades; and the examination papers show that the students are expected to be thoroughly versed in the technical science of these industries. Similar examinations are held in art and general science, under the direction of the South Kensington Department.

The certificates, prizes, and scholarships awarded for merit in these examinations serve two important ends. The supply of technical teachers is largely drawn from the holders of these certificates. As their number increases, one great impediment to the establishment of the new system — the difficulty of obtaining properly qualified instructors — is disappearing. The ranks of the teachers are thus largely recruited from the artisan classes. The other result is that the scholarships awarded for proficiency offer a practical method whereby the brighter boys and girls of the poorer classes are enabled to pursue their education beyond the public schools, at the technical colleges, and even at the universities. More and more attention is being devoted to this feature of the system. Under it the public funds supply the means for the higher education of the brighter scholars of the public system, without the necessity of moulding that system to their special requirements.

Since the passage of the Secondary Technical Education Acts there has been an enormous increase in the number of what are known as the evening continuation schools. In 1894–95 the total number of these schools under the Education Department had increased to 3,742, and the number of scholars on the rolls was 266,683. These evening classes are chiefly given over to industrial and practical topics, and in many instances they do advanced work. The pupils are largely drawn from those at work during the day in mills and shops, and the courses of instruction are specially devised to fit the industrial occupations of this class of pupils. I have the testimony of careful observers, some of them practical manufacturers, that the influence of these evening technical schools upon the quality of the work done in the mills is perceptible and gratifying, while the influence upon the operative

classes is even more marked. These schools come nearer to the realization of the true purposes of popular education at the public expense than anything to be found in our system anywhere in the United States.

To supply the funds for carrying out this scheme of technical education, the English government voted in 1890 a direct subsidy of the moneys raised by a new excise imposed upon beer and spirits, amounting to about £780,000 per annum. This money is apportioned, under the direction of the Board of Education, according to the number of pupils instructed, and their proficiency as shown in examination tests. In addition the county councils are authorized to add to the tax-rates an amount not exceeding a penny in a pound outside the regular school-rates, to be devoted wholly to secondary technical education, and apportioned as the councils may determine. The tax has been assessed, and applied in nearly all the shires. I have no definite information of the annual revenue from this tax; but Mr. Ritchie estimates that there is expended in England, on technical and industrial education from public and private sources, not less than $20,000,000 a year. This sum is enormously large in contrast with the whole sum expended for like purposes out of the school revenues of all the States of the American Union. We are spending annually in the United States $165,000,000 upon a public-school system which is ingeniously devised and arranged to discourage the industrial education and training of our children.

It will be seen that the general scheme under the acts of 1889 and 1891 is largely one to superimpose upon the existing secondary and science schools, whether public or only semi-public, free departments of industrial technology, to encourage and aid the establishment of such courses in the schools where they do not now exist, and to co-operate with all existing agencies in providing facilities for industrial instruction and encouraging young men and women to take advantage of those facilities. Such co-ordination avoids the duplication of facilities, and utilizes many educational institutions already existing. The endeavor is to concentrate this class of instruction in the larger towns of a district, where the facilities are already provided, funds being appropriated to pay the railroad fares of pupils who must come from a distance.

It is plain that this is a crude, clumsy, hybrid system, partly public, partly private, with conflicting jurisdictions that can hardly fail to prove inefficient and wasteful in operation,— a system whose

demerits are deplored at home, and would not be tolerated in this country. It has, in fact, encountered innumerable obstacles, and has broken down at points. I am not commending the system, nor asserting that results already warrant the cost. It is the movement itself apart from methods or results that is significant. It stands for a great revolution in public sentiment as to the purpose and plan of public education. It accepts, without reservation, a new theory of the duty of the State to the citizen as they are brought into relationship through the public school. That theory is that it is the duty of the State to teach every citizen how to earn a livelihood to his own best advantage and that of the community of which he is a part. That government serves itself best which serves its citizens the best. That citizen is best served by the State who is best helped to make the most of himself, if such shall be his lot in life, by the honest toil of well-trained hands guided by a well-trained mind. This is utilitarianism in education as contrasted with idealism in education. There are those who will characterize it as the evidence of decadence. It is rather a recognition of the necessities of the situation,— a direct, logical, inevitable sequence of the social and industrial evolution of the nineteenth century.

England has entered upon this new educational movement from mixed motives, and primarily as a business investment. Experience has demonstrated to her people that no superiority in the mere mechanical facilities of production will maintain a nation at the head of the industrial world unless the men who handle the machines are taught to use their brains with their hands. This lesson was forced upon England by the encroachments of the Continental nations upon her commercial supremacy,— encroachments plainly due to the superior industrial training these nations had long been supplying to their operative classes. Self-preservation has compelled England to follow the Continental example, and adapt her educational system to "the great practical needs of the times."

Thus the movement had its origin in an industrial emergency. But it has a deeper significance. The gradual democratization of English institutions has forced upon her people certain large social problems, which reach to the roots of civilization. This new educational movement offers a partial solution to some, at least, of these problems. The new tenet of social democracy insists that the State owes every citizen a living: this, in its last analysis, is

the real significance of modern socialism. England meets this proposition half-way. She makes answer that the State owes every citizen the kind of education that will enable him to make his own living on the best terms that economic conditions permit. This is the logical conclusion involved in the premise of public education at the public expense.

The United States is as yet only dimly and vaguely conscious that there is any such conclusion locked up in that premise. The lesson England has learned we have yet to learn. If we look about us, we shall find the same conditions — industrial, economic, social — that exist in England, with a difference only in degree. Those in charge of our educational system are singularly blind to these conditions. They are not ignorant of their existence: they are indifferent to their significance. They cherish with a religious devotion an educational system which the world has outgrown. Ignoring the industrial side of life, our schools launch upon the world every year an army of bread-winners who are industrially incompetent. They deny to these recruits the kind of training most essential for success in the struggle for existence. They educate them above their work instead of down to their work. They fail to teach the brain how best to do the work of the hands. They fail to impart the technical skill and mechanical knowledge which the majority of their pupils must thereafter somehow acquire, or fail to escape from the ranks of the drudge. They doom their pupils to industrial mediocrity instead of teaching them how they can become the masters of their crafts. They fail to impart to the young manhood and young womanhood of America any true conception of the *dignity of labor*.

APPENDIX.

THE CITY AND GUILDS OF LONDON INSTITUTE. SUBJECTS OF EXAMINATION.

1. Salt manufacture.
2. Alkali manufacture.
3. Soap manufacture.
4. Bread-making.
5. Brewing.
6. Spirit manufacture.
7. Coal-tar products.
8. Sugar manufacture.
9. Painters' colors, oils, and varnishes.
10. Oils and fats, including candle manufacture.
11. Gas manufacture.
12. Iron and steel manufacture.
13. Paper manufacture.
14. Photography.
15. Pottery and porcelain.
16. Glass-making.
17. Dressing of skins.
18. Leather tanning.
19. Boot and shoe manufacture.
20. Silk dyeing.
21. Wool dyeing.
22. Cotton dyeing.
23. Cotton and linen bleaching.
24. Calico and linen printing.
25. Wool and worsted spinning.
26. Cloth weaving.
27. Cotton spinning.
28. Cotton weaving.
29. Flax spinning.
30. Linen weaving.
31. Silk throwing and spinning.
32. Silk weaving.
33. Jute spinning.
34. Jute weaving.
35. Lace manufacture.
36. Framework knitting and hosiery.
37. Hat manufacture.
38. Telegraphy and telephony.
39. Electric lighting and power.
40. Electro-metallurgy.
41. Metal plate work.
42. Plumbers' work.
43. Silversmiths' work and plated wares.
44. Goldsmiths' work and manufacture of personal ornaments.
45. Watch and clock making.
46. Mechanical engineering.
47. Road carriage building.
48. Rail carriage building.
49. Typography.
50. Lithography.
51. Raising and preparation of ores.
52. Mine surveying.
53. Slate quarrying.
54. Carpentry and joinery.
55. Ship carpentry.
56. Ship joinery.
57. Brickwork and masonry.
58. Plasterers' work.
59. Cabinet-making.
60. Milling (flour manufacture).
61. Bookbinding.
62. Painters' and decorators' work.
63. Dressmaking.

Practical examinations may be held at different centres, in bread-making, photography, boot and shoe manufacture, watch and clock making, mechanical engineering, plumbers' work, goldsmiths' work, typography, mine surveying, bookbinding, and dressmaking in addition to the written examinations on these subjects.

3. THE WORKING-BOY.

BY MRS. FLORENCE KELLEY, OF HULL HOUSE, CHICAGO, CHIEF FACTORY INSPECTOR OF ILLINOIS.

[Read Tuesday, September 1.]

The essential point to be kept in view in all discussions of trade and technical education is the fact that ours is the epoch of industrial instability, by reason of which the boy of to-day needs not so much any one trade as that combination of qualities which will enable him to turn with facility from one occupation to another, as each, in turn, is supplanted in the course of the industrial evolution.

The epoch of industrial stability was the epoch of trades. When the apprentice married the master's daughter and inherited the stock and good will, and everything went on from generation to generation, as in the case of the Elzevirs, whose craft descended from father to son, to grandson, to great-grandson, it was well worth while for the lad to leave school early, and pursue the three "R's" only in the intervals of gaining his daily bread. His future was assured.

Ours being the epoch of industrial instability, of shifting and change, the point is to recognize the law of change, and adapt our scheme of education to it, so that the processes of the industrial evolution may no longer bring surprise and disaster. Nay, more, it is our duty so to equip the children that they may not only meet unharmed the changes which will surely make up their industrial life, but may contribute their share to render these changes beneficent. This our present education fails to do; and the introduction of new machinery, therefore, brings suffering to tens of thousands of skilled working men and their families. By way of illustration, it is only necessary to point to the compositors, the railway engineers, and the tailors.

The introduction of the linotype into the newspapers of Chicago, while it increased the size of the great dailies, threw a large number of skilled workmen out of employment. Many compositors were obliged to leave the city. Others found work in the job

printing and other branches of the trade, where they, in turn, contributed to overstock the labor market. Compositors, however, are relatively versatile men, better able to help themselves than men usually are in a trade requiring less intelligence. They form an apt illustration of the contention that the need of to-day is not so much skill as facility in acquiring skill and adapting one's self to the conditions of a new occupation.

What befell the compositors in the past two years is looming large upon the horizon of the railway engineers in the present year. These engineers have long been recognized as one of the most responsible bodies of skilled labor in the world. But the motorman is with us now; and he merely touches the button, and the motor does all the rest. He is rapidly and surely undermining the engineer, being paid, on some suburban routes, but $1.35 for a day of twelve to sixteen hours, working 365 days in the year. Indeed, all that saves the great body of skilled railway engineers to-day is the fact that the motor thus far is limited to suburban traffic; but no one is so fatuous as to believe that this restriction is a permanent one.

Most disheartening is the situation of the tailors. The introduction of the steam-cutting knife has enabled the American Clothing Trust to reduce the skilled cutters to the level of precariousness of work and pay of the sweaters' victims. Some of the cutters, being able men and relatively versatile, like the compositors, have developed into designers, travelling men, merchant-tailors, and sweaters on a small scale. These, however, are the chosen few; while the general level of work and pay has suffered a deterioration from which there is not likely to be any recovery.

The custom-tailor, in turn, sees himself confronted with the sweater in the custom trade, and with the introduction of steam in the sweater-shop, followed by the inevitable little girl at the machine. Moreover, the invention of an improved buttonhole machine enables a girl who can neither read, write, nor fell a simple seam, to make a thousand buttonholes in a single season.

The sweaters' victims are, perhaps, the least versatile of all the indoor-trades employees. For them being crowded out of their narrow groove by a technical improvement means actual starvation. In Chicago during the present season the suicide of a tailor has been a matter of almost daily occurrence, and scarcely elicits more than a passing newspaper comment. And for one suicide there are many paupers.

It may be said that the occupations cited are exceptional; that the old fundamental trades of the builder of houses and the baker of bread cannot be supplanted, or are, at least, in no immediate danger; that the mason, the carpenter, and the baker are here to stay. To this it must be replied, that the sash, door and blind factory is enabling the stupidest little boy to turn out more carpenter-work of certain kinds than the best graduate of the best trades-school could turn out twenty years ago. The new steel frame construction is transferring to the girder-moulder and the structural iron worker the task which fell to the mason from the days of the Pyramids to the close of the Civil War. And, finally, one of the most urgent and persistent duties of factory inspectors is finding and removing little boys who get into the bakeries under the legal age of work, and there, with the help of the perfected equipment of the American Biscuit Trust, do that work of bread-making which once fell to the housewife, but now escapes day by day from the adult baker to the little boy at the machine.

We are sending shoes, harness, chairs, bicycles, and watches from Chicago to London, there to compete successfully, under the conditions of free trade, with the finest manufactured product of all the world. Now, these shoes, harness, chairs, bicycles, and watches are in no case made by one all-round, skilled worker, but by the finest machinery to be found in the respective branches of manufacture. The only skill required is that of the narrowest specialist, and this specialist can be replaced by a machine or a boy more easily than he can learn all the knacks to which the various parts of his trade have been reduced. Thus the evolution of the machine, which rescues our product from the former charge of crudity, narrows both our men and our trades to the point at which any one trade is hardly worth having.

Accepting this shrinkage in the scope of the individual trade as inevitable at this stage of the industrial evolution, the question is, What, if anything, can be done by education to counterbalance its effects?

The policy of training boys for one narrow trade cannot commend itself permanently to thinking men and women in an epoch of industrial change. On the contrary, the more specialized the processes of commerce and manufacture become, the more must we insist upon the education of all the thinking powers of all the workers. The more stupefyingly monotonous the manipulation which the machine prescribes, the more must all stress be laid

upon variety and thoroughness in the training of mind as well as hand of all who are to tend machines. The greater the probability that the boy will be a motorman, merely pressing a button, that the compositor will be supplanted by the linotype, and the tailor by the little girl at the machine, the more must the school do for all three that which their occupations can no longer do for them; namely, teach them to think and live and use all their faculties. The more precarious the position of the skilled man, the more must we demand of the schools versatility, thoroughness, and the effort to make valuable people of the whole body of children.

One thing the present situation does require, a combination of adaptability, alertness, and self-reliance. Whoever watches any machine must have quick attention, and avoid blue Monday; and, when the occupation gives out, he must have enterprise to find or make another opportunity.

We shall all agree that education can do much to meet the need of the working-boy, now that the old apprenticeship is gone and the new mechanical industry is in full swing. It is only when we come to the question of methods of education that we shall differ; for some will be content with a good provision for a corporal's guard, and others will maintain that the industrial army can best be made available only by educating the whole body of troops, thinking any scheme which looks to fitting a few hundred older boys for a limited number of occupations of little value to the nation or to the boys themselves.

At two points an attempt at adaptation has been made, neither of which touches the boy under discussion. For the boy who is to be a captain of industry we have the technical school in some variety, from the Massachusetts School of Technology to the Armour Institute. At the other end of the educational chain we have the kindergarten, which postulates the truth that the child, as such, needs to have his fashioning faculties developed, and proceeds to do this for purely pedagogical reasons. Between these two extremes there remain, however, several missing links; and it is to this middle ground, between six and sixteen years, that attention needs to be drawn, for it is here that the problem of the education of the artisan must be solved.

In these years, between six and sixteen, appears the great army of working-boys, numbering 20,000 in Illinois alone, and rising in some States to 50,000. For the larger number of children still

attending school, not yet at work, there is little attempt at direct preparation for the life of an industrial nation. Except in the Workingmen's School in New York and the Jewish Manual Training School in Chicago, there is little evidence, in any curriculum, of thought for the future of the working-boy.

For the majority of American children there is no school life after twelve or thirteen years. The old apprenticeship is gone, but the old tradition lingers according to which the working-class child at the age of confirmation is ready to become the working-boy. Priests of Catholic parishes and pastors of Lutheran churches send to factory inspectors boys eleven and twelve years old with letters of recommendation stating that the bearer is a worthy boy, and has finished his education. The bearer can usually write his own name; but he cannot always write more than that, nor always spell the name of his city, State, and nation, nor the name of the street in which he lives. He is told, of course, that he cannot go to work until he is fourteen years old; but he replies that he has finished school, and graduated, and been confirmed. It is not once in a thousand times that such a child goes back to school: he merely finds work in some occupation which does not fall under the factory laws.

In the public schools the situation is analogous. Wherever the primary is in a building by itself, as it very frequently is, parents and children are prone to assume that the end of the primary is the end of school. This impression is strengthened by the policy of the Boards of Education, which nowhere furnish as many seats in the upper grades as in the lowest ones. Especially is this true of the manufacturing districts of the great cities. This whole policy of the Boards of Education, of supplying diminishing accommodations in the ascending grades, shows that the public mind is still dominated by the tradition that the working-class child is ready at the age of confirmation to enter the industrial army. Many children fall out of school early from sheer lack of interest in the purely scholarly course which alone is offered them; and some parents, chiefly inexperienced immigrants, approve, really believing that the children will learn a trade when they enter a factory. Children sent out during the last fifteen years, from public and parish schools alike, under the legal age of work, constitute to-day a heavy burden upon every manufacturing community.

A most promising deviation from the established policy of the

Boards of Education has been undertaken by way of experiment in Chicago, at the suggestion of Mr. Thomas Cusack, a member of the board, representing a vast manufacturing district. An unusually fine school-house has been built to contain all the grades, including kindergarten and high school, with manual training in every grade and ample provision for teaching cooking. The University of Chicago grants every year scholarships to the two pupils having the best record throughout the school. The kindergarten and primary pupils are stimulated to remain in school, for they see every day the high school boys and girls in the same school-house with them. In its first years, 1894–95 and 1895–96, this school showed an unusually large percentage of children advancing from primary to grammar grades and from grammar to high school. It cannot be known how much of this was due to the manual training and how much to the presence of all the grades in the same building. The result of the combination, however, commends itself to all who are interested in prolonging the school life of the working-class children. It is the more brilliant because the school-house stands in the very heart of the great Bohemian Catholic colony of wage-earners.

Contrast with the advantages offered by this model school, typifying the ideal unity of the public school system, the plight of the boy who goes to work at fourteen, even under the cheerful assumption, seldom borne out by the facts, that he is reasonably well instructed according to the methods of to-day. The trades-unions will do something to limit his opportunity to learn a trade, but their power in this direction is trivial compared with the extinguishing influence of the industrial evolution. The automatic self-feeder is everywhere, and machines are made by machines. Whether the raw recruit wraps caramels or carries boards from the buzz-saw to the board-pile or pastes labels on tin cans, or performs any other of the stupefyingly simple manipulations which fall to the lot of the children, his occupation teaches him little else than instability; and he comes to manhood a worthless wight, with all the energy and hope gone out of him and no skill acquired in any direction.

It is children who have "growed" in this way who form all through life the rank and file of the great army of the unskilled. They are the last to be taken on, and the most wretchedly paid in good times. In bad times they are the first to be discharged. It is for such as they that we go to the expense of wood-yards in

winter. They are forever on the mind of the friendly visitor, for they are always on the verge of pauperism. From time to time they fall into the abyss. Many of them end as tramps, beginning their career as little children roaming the streets of the great cities in search of a dozen different occupations in a year.

In the interest of the national welfare this horde of incompetents should be checked. And to this end I plead for the occupancy with manual training of the years from six to sixteen. As the industrial life becomes inadequate to its old function of making the craftsman, it behooves this nation to widen its conception of the public schools to embrace this task.

Instead of working all head and no hands in the primary school, and all hands and no head forever thereafter, in some wretched, brainless manipulation, let us have every child using both hands and head in every grade from the kindergarten to the high school. Let us make the tool as much at home in the school-room as the pen and pencil. Let the boys work with woods and metals as they now read books and write letters, learning the qualities of materials by handling them constructively. Let us have the girls as intelligent concerning the nutritive qualities of foods and the perils of drinking-waters as they are concerning the American Revolution. When the school library and the school workshop are co-ordinate parts of the school system, the Fourth of July floods of oratory concerning the dignity of labor may, perhaps, be safely dammed within narrower channels; for the dignity of labor will then form a part of the daily experience of the boys and girls. To-day their experience teaches them that this nation believes that there should be scientific and literary education at the expense of the community, extending over several years for one set of children; while for another and far larger set there are at most four years of meagre reading, writing, and arithmetic, followed by entrance upon the work of life in early childhood, with no previous preparation for it, and no unity whatever between the school and the work.

It may be said that there are already schools having manual-training classes; but this does not alter the fact that, taking the whole country into consideration, it is the sons of business and professional men who receive manual training, and the son of the artisan who gets none. The workingman who knows his trade as a trade only, and not as an art or a craft, aspires to work his son into commerce or a profession; but the man of assured position

wishes for his boy the continued advantages of the manual training begun in the kindergarten. And he gets them. It is one of the many anomalies of the present educational situation that manual training is chiefly fostered in communities which need it far less, from the industrial point of view, than do the manufacturing centres. This is evidence of the acknowledged pedagogical value of this training; but it is proof, also, that we have not yet recognized its industrial and social value. At a stage of industrial development in which every waste product of the material world is scrupulously utilized the precious latent talent of the working-class children is left recklessly out of account in our general scheme of education from six to sixteen.

It is not the purpose of this paper to urge any one scheme of manual training. We may find, with growing experience, that there are certain pedagogical principles underlying given forms of work, as we have already found that drawing possesses distinct pedagogical value, besides serving the children subsequently in industrial ways. Sloyd is still in so incipient a stage that its teaching savors of the amateur, though the use of the knife may prove to be the beginning of better things. This is not the place, however, for discussing the relative merits of this or that branch of instruction, but rather to urge the adoption of the principle of extending manual training to all the grades of all the schools, not merely at the option of the high school boy. While this principle is reaching adoption and provision making for carrying it into effect, pedagogues may dispute among themselves as to which form of work is best adapted to each age of the child and each part of the country. The wisest cannot foresee what the ideal school will be when child-study has gone farther in this direction.

There will, doubtless, always be a need for special schools to fit boys for work in special industries, such as the wood-working schools of Northern Michigan and the Textile School of Philadelphia. These schools of arts and crafts are maintained to meet need in some one branch of manufacture for employees versed in its technicalities. Admirable for their purpose, these schools do not, are not intended to, reach the private in the industrial army. They cannot, therefore, touch in any vital way the education of the working-boy.

These schools of arts and crafts bear a certain analogy to the artillery, the commissary, or the scouts of an army. They fit a small number of pupils for a special service. They do not draft

a corporal's guard, drill them, and send them into disastrous competition with the less favored battalions of the rank and file. This the trades-schools are accused of doing.

The energy manifest in the movement for trades-schools justifies the twofold comment that the old trades themselves have become very precarious, and that the absorbent power of each trade is limited. If boys are fitted for a trade which is already being supplanted, surely no service is rendered them. If trades-school graduates are poured into the narrow channels of the few remaining skilled trades, there is danger of overfilling the channels disastrously.

If, on the contrary, the public schools turn out thousands of youths with facile hands and trained judgment, the danger of overcrowding should be reduced to a minimum; for the versatility of the boys should enable them to meet all the industrial needs of the moment, to avail themselves of every sort of industrial opportunity as it presents itself. It is much to be hoped that the energy now directed to the foundation of trade schools may be won for this broader field of endeavor.

It was the idea of the early advocates of the public schools that the child must be taught the three "R's" to enable him to perform intelligently his duties as a citizen. Slowly we have come to realize that the political life rests upon the industrial life, and that we cannot make the boy a worthy citizen unless we make him a self-supporting man, versatile, self-reliant, equipped, so far as education can do this, for any change in the conditions of his occupation. We have still to recognize the fact that this work for the boy cannot be done in the years from six to twelve, that it demands greater maturity in the boy and more time for the teacher. We must draft our army of working-boys back into the public schools, offering them manual training in all the grades. This is the reverse of a class measure, for it presupposes that the workingman's boy is not going on in a rut. It aims to discern all the latent talent in all the children, not to drill a corporal's guard for a vanishing trade or one already overcrowded.

It has taken long time and hard work to make the schools as good and as general as they are now, and the nation is more adequate to the task before it than it has ever been. We were never so rich in money and equipment, there were never so many well and wisely trained teachers. It is only our ideals that are mean. Let us broaden them to embrace all the children and the whole of life.

4. THE RELATION OF EDUCATION TO VOCATION.

BY MR. S. T. DUTTON, OF BROOKLINE, MASS.

[Read Friday, September 4.]

The educational system of this country was built upon an exceedingly narrow foundation. The instruction of the masses had made little headway in the mother country, and here the stream did not rise higher than its source. Furthermore, the life of the pioneer was not favorable to intellectual training. The necessity of providing, for himself and his own, food, clothing, and shelter, made exacting demands upon his time and energies. Books were few, communication was slow; and so the early settlers were often both isolated and illiterate. It should always be remembered, however, that life in a new country is intense. There are difficulties to be overcome, dangers to be met, and pressing wants to be supplied. Experience, under such conditions, is, in an important sense, education. Pioneers were often not only poorly equipped with the means of comfort and convenience, but were even wanting common tools and implements of labor. They had to be at one and the same time architect, builder, inventor, and mechanic. While the spinning-wheel and loom occupied one corner of the settler's cabin, the bench, the anvil, and the forge were likely to be seen in another corner. In the varied and interesting round of duties which followed each other in close succession through all seasons of the year, every member of the household had his part to perform. There was little recreation or dissipation, and nothing of idleness; but there were independence and freedom. As communities became large enough so that men could pursue special mechanical trades, it was permitted them to work as many hours as they pleased, and receive any rate of wages their abilities could command. So strong is the tendency of man to react upon his environment, to become disciplined in mind and character by the putting forth of energy and the overcoming of difficulties, and there is such educational potency in the diversified

industrial life of which we are speaking, that we are never surprised to read of the peculiar intelligence and stamina that possessed our fathers. When we think of the problems they solved and of the victories they won, when we remember how they did their own thinking without the aid of newspapers or books, how they adapted means to end in the accomplishment of great undertakings, we are perfectly sure that many of us who live in these days of so-called sweetness and light are but dwarfs, while they were giants.

But, as I have before intimated, as far as schools were concerned, or the artificial means of education, our country in its younger days had little to offer. To read and write and reckon were accomplishments useful in those days. These, therefore, constituted the school curriculum. Considered as mental training, what was obtained in the schools amounted to but little. Education, in its best sense, was acquired on the farm and in the shop, where the mind was ever alert and active, and where the trained hand was its obedient servant.

Let me say, in passing, that the so-called higher education, engrafted here from the English universities, was relatively as narrow as that of the common schools. We respect it as we do the common school, not so much for what it was or for what it accomplished in the early days as for what it is now and for what it is likely to become in the working out of our high destiny as a nation. While we often go back and draw important educational lessons from the industrialism peculiar to pioneer days, we get few suggestions from the school and college of those times that are pertinent to the new conditions under which we are now living.

In order that we may understand how backward education has been in recognizing the social changes accomplished during the present century and the pressing needs occasioned thereby, it is only necessary to recall what we were, how we lived, and how we transacted business one hundred years ago, and then to contemplate our country as we see it to-day, leading the world in almost every phase of industrial and commercial activity. Our development has been unprecedented, so that the world has stood and wondered. By a combination of favoring circumstances our national domain was extended from the Atlantic to the Pacific. All this vast territory has been rapidly settled, and its virgin soil has teemed with fabulous crops of food products. Farmers and mechanics of Europe have flocked thither until some nationalities are nearly as largely represented here as in the old country. In

the mean time the age of machinery has been ushered in. While the West, with her cheaper methods of production, by means of the railroad was filling our markets with corn, wheat, and beef, enterprising men in New England were building mills and factories upon the banks of every river and mountain stream. The vast mineral resources of the country have been discovered and utilized. The railroad, the steamship, the telegraph, and the telephone have made us all neighbors, and have brought us within speaking distance of every part of the globe. Inventive genius has supplied every craft with labor-saving machines, thus disbarring many forms of labor, and compelling many artisans and mechanics to seek new adaptations of their skill.

Because of this revolution in our material affairs, many political and economic problems have arisen, in the settling of which our governmental machinery has been strained to the utmost. Grave moral issues have tested our loyalty and manhood, and have cost us dearly in treasure and in blood.

Now, it is not unusual for the optimistic observer of our national greatness and prosperity, wishing to find causes therefor, to say that it is largely due to our excellent system of public education. There is a certain sense in which this is true. It is more true of the last twenty years of educational effort than of what preceded. As one who believes that teaching and other educational forces constitute the most generic, the most potent, and the most essential thing in the world; as one who believes that our Lord and Master was essentially a teacher, and not a preacher, that he used educational methods in all his work, and gave the stamp of his divine approval to those methods, and that the church of the future is going to use such methods more and more,— I am not the one to disparage or minimize the importance of the work performed by American schools in the past in moralizing, in disciplining, and in instructing the young. I do say, however, that in a certain important sense our nation has become great and influential, not by reason of public education or of college education, but in spite of it. Or, putting it otherwise, there is a sense in which our country has failed of her opportunity, and is behind the spirit of the present age, because our educational machinery from top to bottom has been old-fashioned, poorly constructed, and poorly organized, and has been able to go only at such a low rate of speed that there has always been too little of the finished product and far too much of the raw material. As I review the his-

tory of the past fifty years, I can think of no form of activity that has been so slow in adapting itself to new conditions as has teaching. Go into a typical American house, whether in city or country, and you see something quite different from what was there half a century ago. The food, the dress, the furniture, are quite changed. You will see books and newspapers, and possibly works of art and musical instruments. Go into a modern hospital, and see the perfect appointments for treating the sick and the injured. Follow the physician, and observe that his methods are diametrically opposed to those in vogue a generation ago. Notice the newer conception of what crime is and how it is to be cured or prevented. Consider what the State and the municipality do for public health, safety, and convenience. Surely, the world has moved rapidly; and with it have gone philanthropy and civic progress. Even theology and the administration of justice are endeavoring to keep up with the procession. But, as compared with some of those things mentioned above, education has been slow, inexcusably slow. Many and many a child in New England, when the schools open the present month in this year of our Lord eighteen hundred and ninety-six, will be sent to the same little dingy school-house where his grandfather went before him, will sit upon the same hard seats, will stare at the same bare and dingy walls, and in too many instances, I regret to say, will recite what he has committed to memory from a book much of which means little to him and the learning of which can do him but little good. This is doubtless an extreme picture, but I am assured by persons holding official positions that it is true to fact. Between this condition of things and the best types of the modern schools found in our large towns and cities there are all grades of mediocrity and excellence. But the significant fact is the tenacity with which we have clung to the methods of the pioneer school. It cannot be denied that the three "R's" have reigned supreme until within recent years. To be sure, the course of study was gradually broadened by the introduction of geography and here and there a little history and science. The methods pursued, however, were so abstract and literary that the child was not trained to observe, to appreciate, or to reason. Sound educational theories and some that were even startling, from such thinkers as John Locke, Comenius, Rousseau, Pestalozzi, and Froebel, had been handed down to us; but we were too much occupied in organizing the rapidly increasing masses of children in our towns and cities into so-called

graded schools to devote much time to the finer problems of nurture and instruction. The kindergarten was on exhibition here and there as a curiosity; but teachers smiled at it, and few parents wanted it, inasmuch as it did not teach the children to read and cipher. The wonderful possibilities of childhood as regards the development of faculty and the accumulation of the elements of all knowledge as food for the nurture and enrichment of the immortal mind, these were a sealed book to most people; and, while they were apprehended and preached by certain prophets, they made little headway until recently in reforming actual practice.

But this is not all. Not only in a general sense have we been content to tithe mint, anise, and cumin while neglecting the weightier matters of the law, but we have failed in arranging our educational courses to recognize one of the most vital factors in any civilized society; namely, Vocation. As the home is the unit and the very soul of our social order, as everything that is best and most effective in forming habits and opinions and establishing character centres there, and as it is the birthplace and seat of those pure affections and high aspirations that sweeten and ennoble our mortal life, so, it must be conceded, vocation is its chief corner-stone; or, to use a stronger and a better figure, it is its very heart's blood. Vocation is a good deal more than the opposite of idleness. It is labor dedicated to the highest purposes; to wit, the cherishing of the family and the home. Abraham leading his flocks over the rich pastures of Mesopotamia, Plato teaching in the groves of Athens, Michel Angelo creating those immortal frescos in Rome, and Edison toiling with miraculous success in his laboratory are all great in honor and esteem, because, faithful in their vocation, they accomplished great deeds. No less worthy of respect is the honest farmer or mechanic of the present day, the fruits of whose labor minister to the support of a well-ordered home and insure happiness to wife and children. Whether or not labor was intended to be a curse, as some have insisted on claiming, certain it is that it becomes the greatest blessing only when it operates under the hallowing influence of domestic love.

As vocation is the chief support of the home and tends to develop individual character and manhood, so it clearly underlies the welfare and prosperity of the nation. When nations are at war, there is always distress, because men are prevented from pursuing their ordinary vocations. We see in Cuba to-day a terrible

instance of industrial prostration: suffering and death are everywhere. When for any reason there is depression in business and the great wheels of industry are silent, so that men are thrown back upon themselves with no chance to earn their accustomed wage, then a shadow is over the entire community. I read to-day that by a single failure in New York more than two thousand people are suddenly deprived of the privilege of pursuing their vocation. Under present conditions few of them will easily find lucrative employment. What this means of trial, anxiety, and deprivation for fathers, mothers, and children, is only a chapter in that unwritten tragedy that is being enacted all about us. When such things happen, not only the community becomes poorer, but there is less of patriotism and faith in the hearts of the citizens. The best Christian is not a hungry one, and the truest patriot is not he who is waiting for a chance to toil. Mr. W. H. Mallock, of England, in his recent work on "Labor and Popular Welfare," emphasizes this idea as follows: "Give a man comfort in even the humblest cottage, and the glow of patriotism may, and probably will, give an added warmth to that which shines upon him from his fireside. But if his children are crying for food, and he is shivering by a cold chimney, he will not find much to excite him in the knowledge that we govern India. Thus, from whatever point of view we regard the matter, the welfare of the home as secured by a sufficient income is seen to be at once the test and the end of Government; and it ceases to be the end of patriotism only when it becomes the foundation of it."

Considering, then, the great importance of vocation in determining the quality of manhood and citizenship, the question, "What ought education to do in this connection?" is certainly a pressing one. It becomes especially so when we consider the social and industrial changes during the past fifty years, to which I have already alluded. Time will only permit me to enumerate in a most cursory way a few points in which we are especially deficient. There is little or nothing in our school curriculum respecting the theory of the mutual interdependence of capital and labor. Our high schools, which include on an average about five per cent. of our boys and girls, are some of them devoting a fraction of time to the subject of economics. But even there, so far as I know, there is nothing of industrial history, and no study of the causes that have led to the present industrial unrest. And in our common schools, where the other ninety-five of our children attend,

there has been no attempt to open their minds to truths of this sort. Had one-half of the energy and legislation that has been spent in vainly seeking to have scientific temperance taught in our schools been applied in teaching vocation in its industrial, social, and political bearings, a far greater good would, in my opinion, have been accomplished. Our schools may not be able to prevent strikes; but the school and the Church may unite in such a wholesome exposition of the Golden Rule and that greatest of all commandments, "Thou shalt love thy neighbor as thyself," as will give both employer and employed new standards for the settlements of their difficulties. The ideal of industrial co-operation, which has been successfully reached in some instances, will not become a universal fact until it is developed by a process of education.

We hear about the desirability of recovering the lost arts of Egypt, of India, of China and Japan, traces of which are brought to light by the antiquarian. If we examine the industrialism of from two to four hundred years ago as it existed in England, Belgium, and Germany, we find much that might be catalogued with the lost arts. A boy was permitted to be an apprentice to a respectable trade, and afterward to take his place in society as a thrifty, enterprising mechanic with a good degree of independence. He was often at the same time the producer and the merchant of his wares. He was not tied down to a dead level of opportunity, as is done by the modern trades-union. If he possessed artistic skill, he could add beauty to utility in such a way as to impart high value to his product. He had every incentive to make common utensils as beautiful as possible. Hence those artist artisans of the earlier centuries, for the spirit in which they wrought and the wondrous charm of their execution, will ever be famous. Go to Nuremberg, and behold those marvellous fountains, monuments, and buildings, and see everywhere the touch of the artist's hand, who, "being dead, yet speaketh," and think what the city must have been when to all this beauty of form there was added the coloring of such artists as Albert Dürer and his remarkable school. There were trade organizations in those days; but how different from those of the present! The ancient guilds existed in order that craftsmen might help each other. The sick were visited. When feasts were held, wine and food were sent to those absent. The poor were relieved, and funerals were taken care of by the brethren. In Charles Reade's "The Cloister and the Hearth" we find a charm-

ing picture of the life and homes of craftsmen in the German cities. Says Gerade, writing to his sweetheart: "The workmen of all the guilds are so kind and brotherly to one another and to me. Here, methinks, I have found the true German mind, loyal, frank, and kindly."

Vocation then held something of honor and dignity. Skilful craftsmen were proud to be known by their trade; and it is no accident that a large number of our English surnames tell us what crafts our fathers pursued. Now, I submit that we cannot claim too much for our public schools until they aim to bring back to the consciousness of our youth a sense of the dignity of labor, of whatever sort, and the brotherhood and mutual dependence of men in all their industrial relations.

Another respect in which the schools have been backward has been in failing to recognize the scientific tendencies of the age. The Greek culture and the humanities, which have been the backbone of our higher education, have been a sort of saving grace in our American life during a period that was necessarily formative and materialistic. The lower schools, also, reflecting this literary idea, gave a training which, though narrow and insufficient, led to good habits. But with the development of machinery have come numberless applications of science in the line of physics, mechanics, and chemistry. Every factory is in a certain sense a laboratory, where experiments are continually made calling for some knowledge, at least, of scientific ideas. The call for persons trained to do this work has been loud and long, and it is surprising to think how few years have passed since Yale and Harvard provided laboratories for individual work. It is equally strange that in the common schools the provision made for science teaching is very meagre. I know of but one grammar school in New England that has adequate accommodations for teaching chemistry and physics. Now, all this bears very directly upon the point at issue. To fill respectably the new vocations, men and women need scientific ideas and scientific habits of mind, which only the schools can give. Had it not been for the higher technical schools and the educated workmen who have come to us from Europe, our industries would have fared badly.

Still another deficiency was revealed to us in the Centennial Exhibition in 1876, a fact too familiar to need repetition. The result of that eye-opening event has been the movement for manual training. While many schoolmasters have been questioning and

deliberating, the pressure from without has been so great for something better and broader that encouraging progress has been made in placing the manual and domestic arts upon an equal footing with book studies. While many high schools have been equipped with manual training courses, efficient kindergartens have fully demonstrated the educational value of hand-work for young children. The process of leavening is going on in our grammar schools; and it is safe to say that within a reasonable time the elements of needle-work, cookery, and the use of wood-working tools will be incorporated in all our larger schools. Industrial drawing has long since ceased to be a novelty, and no one questions its value.

All this is being done with an eye to the broad cultivation of the powers, with no attempt to teach special trades. At the same time we should be blind if we did not see that this new education, in which the brain and hand are trained together, will have an important bearing upon the choice of a vocation and success therein. At least it may be said that the manual training idea is destined to serve as a connecting link between the abstract and the concrete, between the world of thought and the world of action. It furnishes a revelation of what real education may do in arousing, interesting, and holding the energies of the average child. If applied to those mentally weak or morally deficient, its effects are still more striking. The teacher, the missionary, and the reformer have found a new weapon; and manual labor is sure to have a large place in all future educational and social work.

But this is not enough. Its results, while excellent in a general way, do not bear with sufficient directness upon vocation. Even if a boy acquires considerable skill in the use of wood-working tools, carpentry is only one of a hundred trades; and, while through manual training the boy's aptitudes are made apparent, and his mind is turned to some particular craft, when he attempts to find his place in the labor market, he is comparatively helpless. There is no open door to the position he desires to obtain. The temptations to become a clerk or a salesman to an ambitious American youth are very strong.

This leads me perhaps to the most serious count of all against our educational system, that it does not provide such trade instruction as enables the grammar-school graduate to enter at once upon the pursuit of a handicraft. I need not enlarge upon the great and pressing need of trade schools. Social changes have brought the

bulk of our population into cities, where every idle and shiftless member of the community is a menace to the public peace and welfare. It is indeed pitiful to see our American young men pleading for the opportunity to work, and yet failing to find employment because their hands are untrained. Not only in the city, but in the country also, there is need of special training. The hard times that our New England farmers are undergoing are not due entirely to the tariff, and certainly not to the lack of silver dollars. The soil has become impoverished, and needs scientific treatment in order to be made to produce bountifully. Farmers in the East can no longer raise corn and wheat at a profit; but, if skilled in the arts of horticulture and if versed in agricultural chemistry, they may find in their own local markets an abundant return for their labors. Why should not agricultural chemistry be taught in our normal schools? Why should not special schools for young farmers be established to foster our great national industry? Something has been done by private munificence and by industrial corporations in planting trade schools. But the time has come when the State must meet this issue promptly and generously if we are to keep pace with the nations of Europe.

I have referred to the ancient guilds of Europe. It is an interesting fact that some of the old societies of London, which still preserve their organization and continue their annual banquets, have begun to apply their accumulated wealth to the founding and support of trade schools. Heaven grant that some of the labor unions of this country may be led to dedicate a portion of their energies and means to the advancement of this cause!

In all attempts to develop a system of trade instruction one principle should be the dominant motive and guide; and that is, to emphasize the dignity of vocation, and to elevate and bless the American home. One objection is quite sure to be raised, and I should not be surprised if it were to come from craftsmen themselves, whose boys and girls are sure to be benefited by this movement; and that is the danger of the over-stimulation of industry, of too many craftsmen and of overproduction. There is an effective answer to that argument in the truth that, while there may be overproduction in those things that provide for the bare physical wants of mankind, as food, clothing, and shelter, there never has been nor ever will be overproduction in those finer æsthetic products of handiwork that satisfy the spiritual wants of mankind. Works of art, whether in statuary or in painting, in music or literature, can-

not glut the market. Human needs in respect to those things that delight the eye, kindle the emotions, and feed the soul, are infinite. And, when I plead for trade schools, I want to have the art idea predominate. The outside of the house is well enough. Let us provide furnishings for the inner chambers of the soul. Let the future American artisan have that generous feeling, that deep insight, and that delicate artistic touch that shall lift our common life farther and farther away from what is rude and common and barbaric.

Did time permit, I would speak of hopeful indications as seen in the tendencies of common-school education at the present time. Antipater demanded fifty children as hostages from the Spartans. They offered them in their stead a hundred men of distinction. Jean Paul Richter, referring to this in the first chapter of his "Levana," says that "ordinary educators precisely reverse the offering." I am glad that this is not true to-day. Teachers and mothers are coming to know that the possibilities of a child for a good and useful life are largely wrapped up in his earliest years. The enriching and broadening of the school life, as is now being done, the introduction of science, of literature, of art, music, and manual training into every part of the course, are long steps toward that vocational success and happiness which we desire to see.

Let me briefly recapitulate: Education in this country has clung too closely to old ideas and conditions, and has not adapted itself easily to new situations. It has been too abstract and general, and has not recognized the place vocation holds in the life of the individual and the nation. I have shown that little or no attention has been given to the historical growth of industry or the mutual relations of labor and capital, and that our condition in respect to the independence and happiness of the laborer compares unfavorably with that of several centuries ago. Emphasis has been laid upon the inadequate teaching of science and the consequent failure to meet present demands.

Manual training, while a most promising leaven to the old methods of education, has little immediate connection with vocation. The trade school is demanded, and the support of the State is invoked. In the working-out of this problem purely mercenary or materialistic motives should not prevail. Use and beauty should be wedded together, thus paying deference to the higher nature of man, and opening up an infinite opportunity for the exercise of creative and artistic genius.

5. DEBATE ON THE TRADE SCHOOL PAPERS.

At the close of Mr. Dutton's Paper on Friday, September 4, the Chairman of the Social Economy Department, who presided, said that the discussion would be opened by a gentleman of great practical experience on the subject, Mr. Z. R. Brockway, superintendent of the State Reformatory at Elmira. This State of New York, he added, in which social classes have always been rather marked, has for years nourished a specially select class of young men, who, after being educated with great care in the streets of New York City, and there attaining a considerable proficiency in the various branches of felony, are sent to Elmira to be trained in other studies by Mr. Brockway. He has been managing his university for twenty years; and, though its presidency is a very exacting position, he has consented to leave it for a day and a night, in order to explain to us what he does with this select class, and where they go when they graduate from his institution.

Mr. Brockway's Remarks.

We have in the State Reformatory at Elmira, one year with another, about fourteen hundred felons, on the average, nominally first offenders; but it is certain that many of them, and I think forty per cent. of the number, have previously been in some establishment to which they were committed for crime, petty or serious. Their ages by law range from sixteen to thirty upon committal; but many of them give false ages, so that the range is somewhat greater. Probably the average age is twenty-one years or under twenty-two. Their average period of detention is about twenty-four months; but this is increasing, and, in my opinion, needs to increase somewhat, in order that they may better be taught trades, and may profit by the physical training which we give to a considerable sub-class of "degenerates." The law allows a much longer time, under what is called the "indeterminate sentence"; but in few cases is the maximum sentence exacted from the convict. The

discharges each year number four hundred, and, with few exceptions, they are sent out first on "parole," as we term it, a modification of the ticket-of-leave system, which we find to work very well; and for every man thus paroled we have for some years found a place where he could work, and support himself, if so disposed, at the trade which he had learned in our trade-shops. Gradually, for nearly ten years we have increased the number of the occupations which our trade-shops cover; and now there are thirty-four distinct trades (sometimes allied to one another) that can be learned, and actually are acquired in them. The minimum time for teaching these trades is one year, using two evenings a week for that purpose. On other evenings they are taught in the common-school branches and mechanical drawing, when useful or essential as an adjunct to trade-instruction, and on Sundays morals and religion. Among the trades learned, not perfectly in all cases, but so as to give the man a self-supporting business, are blacksmithing, carpentry, cabinet-making, mason-work, plastering, stone-cutting, wood-carving, plumbing, printing, the barber's trade, typewriting, stenography, telegraphy, and photogravure. We build small houses, lath and plaster them, paint them, decorate them in fresco, etc., then tear them down, and begin over again. Several of our large buildings were mainly erected by our own convicts, working at trades learned in the prison. The armory, where our military regiment of more than one thousand convicts drill, was so built.

Being asked how the trades were selected, Mr. Brockway said that only two per cent. of the men committed had any trade when they came in. He first made inquiry of the men as to what trades were most prevalent in the localities where the men would return when dismissed from the prison; and after that he selected a trade for them himself, and kept them at it. Many times the men were unwilling to work at the vocation chosen for them, but most generally they became satisfied in a short time.

Every prisoner when committed to the reformatory is given a month's instruction in the awkward squad of the State Reformatory Regiment, which numbers twelve hundred men. For half a day they are drilled; and the remaining half is spent in the gymnasium, where they receive physical instruction, etc., from the most scientific standpoint. If it is found that a recruit needs more than a month in the awkward squad, he is kept there until the required proficiency is reached.

In the physical training department the men are grouped in three classes, and receive instructions as follows: —

First. Those who are normal in every respect, but with arithmetic faculties defective.

Second. Those who are normal, except in moral control.

Third. Those who are stupid.

The instruction is most thorough and complete in every respect, and that it is successful is demonstrated by the results. This department is new, and for some years was experimental. It is now shown to have the effect of quickening and straightening both the mental and the moral qualities of those who go through its training, They make better progress in school instruction, are better pupils in the trade schools when they get there, and are much more amenable to discipline than the same class used to be.

Remarks of Joseph Lee, of Brookline, Secretary of the Department.

I think the testimony we have heard this morning is rather remarkable, and worth summarizing, in order to bring together the evidence it contains of the way in which the need of trade schools is felt from practically every point of view from which they can be regarded.

We have heard from Mr. North, Secretary of the National Association of Wool Manufacturers, how our industries are feeling, definitely and urgently, the need of trade schools, and how the same need is being felt and met in England; we have heard from Mrs. Kelley, of Hull House, State factory inspector of Illinois, how the working-boy is suffering from the lack of industrial training; we have heard from Mr. Dutton, superintendent of schools of Brookline, Mass., that, from the purely educational view, simply as a means of developing brain and character, industrial training is coming to occupy a more and more important place, and also how, in the task recognized by modern education of fitting children for life as it is here and now, and especially in fitting them to exert the best influence upon our fundamental institution, the home, industrial education must include not only general manual training, but preparation to enter specific employments; and, finally, we have heard from Mr. Brockway, the warden of the Elmira Reformatory, who has given to that institution its well-

earned and world-wide reputation, of the efficiency, proved in actual practice of the trade school as a moral agent, not in the comparatively easy task of prevention, but in the infinitely harder task of cure. He has told us how those leaving Elmira, in spite of their criminal record, which is always communicated to their employer, never fail to secure good places to work. The test which they meet is not one of prison marks or conformity to prison rules, but of proving to their employers their ability to do efficient work and to earn an honest living.

Mr. Birtwell, Secretary of the Boston Children's Aid Society, has had experience with children entering upon the course which leads to Elmira and similar institutions, and, like Mrs. Kelley, is in a position to judge what the trade school could do for such children if used as a preventive measure.

We thus have the testimony of leading experts: first, that our industries, the places which the boys are to fill in our industrial life, are calling aloud for a more technical preparation in the form of trade schools; second, that the boys themselves are showing their own need of such training, and are going wrong to a terrible extent for the lack of it; third, that the sort of training to be found in trade schools is recognized by our leading educational specialists as peculiarly adapted, not only to the general training of the faculties, but to the fitting of boys to take their places in American life as it is; and, fourth, that such training is even capable of taking young men who have already not only gone wrong, but become actual criminals, and giving them the requisite moral and practical training to enable them to take their places again in the community as self-supporting and respectable citizens.

In the afternoon session there was a good deal of discussion as to how much room there is for trade schools, as distinguished from manual training.

Mrs. Kelley held as strongly as any advocates of trade schools that children need and should have preparation for actual industrial life, but believed that, in view of the increasing introduction of machinery, leading both to great simplification and to constant changes in the sort of skill and knowledge required in many trades, it was much more important to give a good all-round education,

including a thorough course of manual training, than to try to supply more special preparation for particular trades.

Mr. Birtwell, while cordially agreeing to the need of manual training, urged the further need of distinctively trade schools.

Mr. North took the same view, speaking especially of trade schools in the textile industries, such as the school now being started in Lowell, Mass., under the recent textile school bill.

Mr. Birtwell cited the thirty-odd trades successfully taught by Mr. Brockway, and actually carried on by those leaving Elmira, as proof that there were trades in which something more than a general manual training was a useful preparation.

As a result of this part of the discussion, a letter has been sent to Hon. Carroll D. Wright, of the Labor Department at Washington, suggesting as a subject of inquiry by the Labor Department substantially the following question : Supposing all children in the United States were to be given a thorough course of manual training, what proportion of them go into employments in which an additional course of special preparation would be an advantage to them? The question included not only children born and brought up in the United States, but all persons obtaining or seeking employment therein. The letter was signed by most of those who took part in the discussion. This letter has led to further correspondence, and promises to be of practical value as a suggestion to the Labor Department.

6. THE HIGHER EDUCATION OF THE COLORED PEOPLE OF THE SOUTH.

BY H. L. WAYLAND, D.D., OF PHILADELPHIA.

[Read Thursday, September 3.]

I am not sure that during my connection with this body any more important subject has come before you than that which I shall imperfectly introduce, and which I shall then leave to much abler hands than mine. It concerns the future of nearly eight millions of our fellow-beings, our brothers in humanity. We speak of them as a separate race, and yet the races have become so commingled and shaded that the term has lost much of its significance. They are our fellow-citizens, upon whom the Constitution has conferred all the rights and privileges and powers of citizenship. There are among them a million and a half of voters, a number large enough to turn the scale in almost any general election. It is altogether within the bounds of possibility that the decision of the momentous questions now before America may lie in the hands of these people. And an illiterate and ignorant colored is more unfitted for discharging the duties of citizenship than an equally illiterate white; for the white, though illiterate, mingles on a level with his more intelligent fellow-citizens. He meets with them for town and county business. He hears able speakers. He may be intelligent, though without book learning. Andrew Jackson had imperfect ideas of grammar and orthography and geography, and did not believe, it is said, that the earth is round; yet he was not a man to be ignored or underrated.

While we have this work laid upon us by Providence, we enter upon it with all the accumulated experience of centuries, with all the light that the past has shed upon one of the most progressive of sciences,— that of education.

It is not necessary to speak to a body so intelligent as this, of the perils attending ignorant suffrage, which makes possible the ring, Tammany Hall, anarchy. The blandishments of the demagogue fall harmless upon the ear of the intelligent and educated.

I quite agree with those who say that education is not a matter of color. The education which is suited to them is exactly that which is suited to people of any hue, in the same circumstances, with the same history. But it is idle to say that the education which is suited to the young men gathered at Harvard and Yale, who have breathed from birth the best atmosphere in the world, who have behind them generations of cultivation, who have been brought up in homes which were of themselves a liberal education,— that the education which is suited to them is, therefore, suited to the great body of the colored people of the South. And it will not do to take exceptional cases, like the gentlemen who do us the honor to be present this evening, and others who stand on the same high table-land with them, like Dr. Blyden, the great African philologist, like Frederick Douglass and Bruce and Revels, and to argue that, because they could profit by the highest education which the country can afford, therefore such an education is suited to all the colored of the South.

No conclusion is worth arriving at that is not based upon the facts. The colored people of the South have behind them two centuries of slavery, and behind that, countless generations of savagery. They are not miracles. They are men and women, like all of us. They are the product of their ancestry, of their surroundings, and of themselves. It is not simply that these generations of unpaid labor left these people poor. In that case, they would only be where the Pilgrims were when they landed. The worst effect of slavery is the effect upon the soul, upon the character. Slavery leaves upon the slave the impression that labor is a degrading necessity, and that exemption from it is the happy lot of the intelligent, the high born, and the wealthy. Slavery severs the connection between actions and their results. A slave is not richer for his industry and self-denial: he is not poorer for the reverse. In either case, he has nothing. Slavery, from the nature of the case, destroys the sanctions of morality. The teacher from whom I have learned all that I know, whose moral science I suppose we have all studied and all disregarded, once said to me: "How is a person going to learn the duty of honesty except by exercising the right of possession? How is he going to know the difference between his own and that of any one else, when he has never owned anything?" A similar remark might be made as to the duty of chastity, and as to the duty of children to their parents, and parents to their children.

I have no desire to dwell upon a state of things forever past, upon which we all think with sorrow and shame. I introduce these allusions because they seem to be necessary for the proper consideration of the subject.

What shall be the character of the higher education of these people? We must begin at the bottom rather than at the top. We must lay the foundations before we top out the chimneys and put on the pinnacles. We must give the education that is essential to existence before we indulge in ornamental branches. One might think this all so self-evident as to make the saying of it an impertinence; but, alas! our distinguished guest, Prof. Booker T. Washington, said with deep feeling and with the wisdom of truth, "One of the saddest sights I ever saw in the South was a colored girl, recently returned from college, sitting in a rented, one-roomed cabin, attempting to extract music from a second-hand rented piano, when all about her indicated poverty, want of thrift and of cleanliness."

The education must be, first of all, one that gives the power of self-support. A man is not a man until he stands on his feet. An empty sack cannot stand up straight. The man, of whatever color, who cannot support himself is at the mercy of the stronger. To be weak is to be miserable.

It must be an education that shall enable the colored to acquire property, to own his little house and his lot and his mule and his tools and his unmortgaged crop for this year and the next.

It must be an education that will put him in the way of improving his physical condition. Philosophically, the mind and soul are independent of bodily surroundings. Practically, they are not. There is little possibility of progress or advancement where the entire family, of all ages and both sexes, live, eat, sleep, in a one-room cabin, perhaps without glazed windows, perhaps with a dirt floor. The precept, "Be content with such things as ye have," was not addressed to people living in this way. Rather it was no doubt intended for millionaires and silver kings. To *them* it says, "If you have a million dollars, be content with such things as ye have, and do not try to make it two millions or ten millions." But all progress must be based upon a divine discontent with one's attainments and, to a certain extent, with one's surroundings. He who has lived in a one-room hovel and who, urged by this divine discontent, builds a two or three or four or five room cottage, makes virtue and modesty possible, has acquired the right of

property, out of which the sense of honesty will spring. He has become a tax-payer, a member of society. He has henceforth an interest in good government, in public honesty. He is able to send his children to school, and his children will have a place in which to study and to read; and the whole family will be re-created.

Again, this should be an education that should help him toward good citizenship. He should learn that he is to look to the State, not for fifty acres and a mule, but for the protection of life and property and for equality of rights for himself and his children. The rest he must achieve himself. He must have the simple principles of politics in the best sense, some knowledge of the constitution of his State and of his country, a sense of the baseness and infamy of selling his vote, a lofty sense of what it means to be a citizen of America.

This education should lift him up morally. It should appeal to that soul of goodness, or, if you please, to that *atom* of goodness, to that spark of celestial fire which God has kindled in every human being, and which answers to appeals made wisely, clearly, couched in such a form as to be intelligible. Man cannot be lifted up nor saved even for this life without morality in the highest sense. Those who have had the privilege of listening to the series of lectures by the eminent ex-President of Cornell University and the eminent ex-President of this Association, upon the Causes of the French Revolution must have realized that the great source of the hideous horrors of the Reign of Terror was the fact that, under the malign tuition of the court, the nobility, and the church, moral ideas had become obliterated, till in the minds of the great body of the people the words "right" and "wrong" had ceased to have a meaning.

What shall now be the character of this higher education that shall accomplish these results for the colored people of the South? I need hardly say that there must be, first of all, a good, sound English education. There must be ability to read intelligently, and to write with clearness and correctness,— an ability such as is by no means possessed by all the plain people of America, North or South, the want of which is a reproach to our school system all over the land. He who knows how to read and write has entered into the community of thinking beings, and has the key to boundless stores of knowledge. There must be also, as I have intimated, a knowledge of the elements of the science of government and of public economy. There must be a full knowledge of that great

reservoir of wisdom, human and divine, of that great text-book of morality,— the English Bible.

All these commonplaces I pass over rapidly.

In addition to all this there must be industrial education. Here I quote a sentence or two from that truly great man, who stands supreme as the leader and educator of the emancipated people, as truly as Abraham Lincoln stands at the head of our civil leaders, as Grant at the head of our generals. I quote the words used by General Armstrong in his first annual report as President of Hampton Institute : —

"What the negro needs at once is elementary and industrial education and moral development. The race will succeed or fail, as it shall devote itself with energy to agriculture and the mechanic arts or avoid those pursuits ; and its teachers must be inspired with the spirit of hard work and acquainted with the ways that lead to material success."

With these words, summing up all that might be said, I might well rest my case and relieve your patience ; but it is perhaps proper to show how all subsequent experience has confirmed the truth of these words of Armstrong. My friend Mr. R. C. Ogden, of Philadelphia, President of the Board of Trustees of Hampton, tells me that it was its relation to self-support which first led Armstrong to lay such stress upon industrial education. He felt, as every wise man must feel, that self-support is essential to all virtue, to all attainment. I wish to speak with all kindness. I make all allowance for the demoralizing influences which have prevailed in the past. I know that the sequelæ of a disease are often more to be dreaded than the disease itself. I recognize the fact that slavery would not be the evil that it is, if its results could be dissipated by the utterance of the one word "emancipation." In the teeth of the children there still survives the perturbation growing out of the sour grape diet (not in this case a "grape *cure*") upon which their fathers were nourished. It seems to me that an inclination toward pauperism, a contented and cheerful state of dependence, is one of the most unfortunate characteristics of a large portion of our colored people. Who is there who does not tremble at the sight of a colored man of respectable, perhaps of clerical, appearance, with a subscription book in his hand, in behalf of school or church or college, or, alas ! of a university which teaches its pupils Latin and Greek, but does not enable them to frame an English sentence correctly, and which bestows under the charter

granted by the legislature the degree of D.D. upon hosts of hungry, ministerial Othellos? The colored who goes out from one of our Southern schools, master of a trade, as bricklayer, carpenter, wheelwright, blacksmith, wagon-builder, carries his diploma in his trained hand and eye; and he will not want for a livelihood. My friend Professor Washington tells me of a young man who graduated at Tuskegee, who had studied in the farming department and had become master of the dairy business, and who further prepared himself in a North-western Agricultural College, who was at once called to three positions in the line of his industry. On the other hand, the wise and humane President of the Hampton Board of Trustees said to me, "There are colored men walking up and down our streets who have studied Latin and Greek in the schools, but who cannot write two sentences of correct English, and who cannot earn their own living."

Even for the intending minister, I doubt whether anything would be better, in addition to a good English education and a thorough knowledge of the English Bible, than a mastery of some *industry*. He would then be able to earn a living in case the unstable, popular impulse of his congregation should "send him his resignation." He would always have something to fall back on, and he would be able to instruct the young people of his church in the means of gaining their own livelihood. Still more, I have no doubt a large body of the colored ministers, as a great body of our white ministers, would do much better work in the study in half the day, if the other half were spent in some bodily exercise. In the colored schools, where industrial education prevails, the students who from necessity spend the hours of the day in the workshop, earning their support, do quite as good work at their books in the evening school as those who have spent the entire day in the school-room.

This industrial education will enable them not only to hold their own, but to elevate their condition. I say *to hold their own*. The *Southern Workman*, published at Hampton Institute, which seems to me to give fuller and juster information in regard to the conditions and wants of the Southern colored than any other periodical, says, "It has been clearly shown at the graduates' conferences of the past few years that, unless some strong efforts were made to enable the colored people to keep their hold upon the trades in the South, it would be only a few years before they would be entirely crowded out of them."

To the same effect are the words of Dr. Alexander Crummell, an eminent colored minister: "Ignorant labor is service and drudgery, and yields but bare subsistence. It takes but the slightest cognizance of the highest faculties of man, and pertains almost entirely to the animal in our nature. But skilled and enlightened labor yields the productive realities which serve body, mind, and spirit, and which tend to the development of high humanity." Intelligence wedded to industry is the characteristic of liberty. Under slavery there was industry, and there was intelligence; but the industry was not intelligent, and the intelligence was not industrious. Intelligent industry produces capital, gives better homes, better schools, better teachers, longer school terms; and intelligent industry puts man in the way of getting all these things for himself. Under the auspices of intelligent industry, the Southern colored will no longer stand with outstretched, empty hands, asking, "What are you going to do for us?" but, rather, "What shall we do for ourselves?"

Industry, guided by intelligence, is, in itself, largely an education, both mental and moral. When a boy who is about to make a box, calculates what ought to be the cubical contents of the proposed box, then makes a drawing of it, and then works up to his drawing, he receives a good deal of mental training; still more, a man who is about to build a house, who plans it, who drafts it, who makes every measurement exactly. Mechanical industry has a large moral element in it. It calls for exactness. It has an ideal, and that ideal must be reached. The terms "about right" and "near enough," the bane of good work, it rejects and abhors. Thus the man gets an idea of moral exactness. It is a fact not without significance that our moral terms are so largely derived from the mechanic arts. "Right" is straight, "a right line." Wrong is that which is *wrung* from rightness. So the terms "rectitude," "square," "upright,"— these suggest the close relation between mechanics and morals.

An industrial education connects practical results with all a man's other knowledge. When a man is going to make a tire or a hub or a set of spokes or a cupboard or a nice bit of cabinet work; when he studies as to the kind of wood he wants, and then goes to the forest and cuts down such a tree as he requires, and seasons it, and works it up according to his plan, knowing at every step just why he takes this step; when he uses one kind of iron for this purpose, and another for that purpose,— he has put himself

into relation with a wide range of knowledge. Knowledge has become to him something real, not merely a matter of words. It is the habit of learning words without knowing their meaning which is, I think, the curse of our schools. Dr. Hall-Brown told me that an entire class in a school was asked if they had ever seen the surface of the earth. Each replied, No.

The prejudice against the colored man is based upon his past history, his past position of servitude and inferiority, and the presumption that the same conditions prevail. This prejudice is to be overcome partly by right feeling, and partly by the fact that the colored man is no longer inferior. The trades-unions have refused to admit the colored man; but in some instances where the colored man has demonstrated that he is able to take care of himself, and get along without the white, the trades-unions have opened their doors.

To what I have said it will be objected, "You propose to keep these people for all time hewers of wood and drawers of water." We do not propose this. Rather, we propose to keep them from being paupers. We propose that they shall be truly independent and self-supporting, believing that this is the first condition of manhood. We propose to put them, cases of marked intellectual and literary ability excepted, in the same place where the great body of our American people are, who are earning their livings by the labor of their hands, directed by intelligent brains. We propose to put them where the great body of prosperous and wealthy men in America started. We would apply to this case the eminently wise words of Abraham Lincoln, who would not be accused of any desire to repress his fellow-men: —

"*If you intend to go to work, there is no better place than where you are. If you do not intend to go to work, you cannot get along anywhere.*"

Incidentally, one great advantage of what we propose would be that it would help to do away with shams. The Secretary of the Trustees of the John F. Slater Fund for the Education of Freedmen says of the schools founded at the South by Northern philanthropists: "Unfortunately, most of them are handicapped by high-sounding and deceptive names and impossible courses of study. The work done in some instances is excellent, in other cases as defective as one could imagine it. Misguided statesmanship and philanthropy have opened high schools and universities, and have offered courses in Latin and Greek and Hebrew, in the-

ology and philosophy, to those who need the rudiments of education and instruction in handicraft."

I have before me the *Alumni Journal*, issued in the interests of the Virginia Seminary (colored) at Lynchburg, Va. At the head of the paper is what I suppose is the motto expressing the genius of the institution, "Liberum arbitrium sit." Instruction is given in Latin, Greek, French, German, the higher mathematics, and various other branches. The program of a recent anniversary has this Latin heading, "Alumni et Alumnae Exercitationes." From the first column of the editorial page I quote one or two sentences: —

"Woman, from every nook in America, stands gazing solicitously at the hallucinations wrought by corrupt judgment." "American civilization falls short of that imperishable superstructure that underlies the progress of Europe."

I think that you will agree with me that a little more knowledge of English would have been very much in place, even if it had been purchased at the sacrifice of something of Greek and German.

There seems a sort of hallucination about this matter. There seems a spell thrown over those engaged in the instruction of the African, which I am at a loss to understand. Recently a writer in *Harper's Weekly* spoke of visiting Liberia. He made his way through tropical, overgrown vegetation, which almost obliterated the paths, to the institution called Liberia College. Here he found one teacher instructing his two pupils in algebra and Cæsar, as a preparation for taking possession of the continent, and lifting up the millions of their race.

And all this while, if I am not mistaken, Greek and Latin are coming to have a less and less prominent place in the educational system, certainly of English-speaking people, as is natural. The time was when the key to all knowledge lay in the learned languages, and a person must learn them if he would know anything of history, science, philosophy; but that time has passed.

A slight knowledge of many studies may be of great value. To know something of agriculture, something of mathematics, of history, of science, may be a great help, even if the study be pursued no farther; but there is nothing more utterly valueless than a smattering of Greek and Latin. If pursued so as to make a person master of the literature, it is a great achievement and possession; but the mere learning of the paradigms and the elements of

the grammar is useless in the last degree. Nowhere else is a smattering so futile.

Some time since a young man, who had studied for eight years at one of our Southern universities, was in my office. He had studied Greek for two years, but he did not profess to be proficient in that study. Therefore, I asked him no questions. He had studied logic, astronomy, and various other branches supposed to belong to the higher education. I said to him : " You have studied logic two years. Now please give me an instance of a syllogism." He replied : " Well, let me think a moment. Man is mortal. That is a syllogism."

It is alleged that the colored, when they have been taught industrial pursuits, do not follow them after leaving the institution. This statement I hesitate to accept. It does not correspond with the facts which I have seen gathered. Of the graduates from Hampton, the great body are engaged in teaching. In the intervals of teaching they engage in farming and industry and service of various kinds. Of the remaining young men, 39 are engaged in professions, 42 are in mechanical trades, 36 are engaged in agriculture. The figures given in the report of the Bureau of Education for 1889–90 are misleading. Where a person teaches half of the time, and labors as a farmer or mechanic the other half, he is put down as a teacher. There are hundreds of such instances.

A few words as to the education which enables a student to be useful to his fellows. In the current number of the *Atlantic Monthly* (September) Professor Washington gives the case of a young man who had studied in the class-room at Tuskegee a portion of the time, and had received practical and theoretical training on the farm the rest of the time. Then he returned to his home in the black belt, in a county where the colored outnumber the white 6 to 1. He found the people living six or eight in one small one-room cabin, mortgaging their crops to buy food, and paying 15 to 40 per cent. on these advances. The school was taught for three months in the year in a broken-down log cabin. The preaching consisted of a violent appeal to the emotions, and no relation existed between religion and morality. The scanty earnings all went in interest, high rents, whiskey, tobacco, cheap jewelry, and finery. The young man gathered the people into a club, meeting every week, and taught them a better way of farming, and inspired them to economize, to get out of debt, to buy land, to build a

better school-house, and to lengthen the school year to five, to seven, to eight months. The teacher has a farm and a home that serve as models. The one-room cabin has given place to the two or three room, and religion is more than a name. It would be insulting the intelligence of this audience of sages to ask if these results could have been achieved by a young man with a purely academic education.

It is said these people *want* to learn Greek and Latin. They think that these are "white studies"; and, if we do not teach them these things, they will go to other schools where they may learn them. Two words answer the argument or, rather, the assertion: these two words are "Hampton" and "Tuskegee."

Undoubtedly there will be cases of young men and women whose intellectual qualities fit them for profiting by the highest literary culture, including the whole of a college course, as the word "college" is understood in the Northern States. When such a person appears, it would be much cheaper and wiser to send him to a Northern college than to undertake to maintain on his account, at great expense, a sham university.

Nor let it be said that we propose to shut out the colored from any attainment, the most lofty even, in classics, literature, metaphysic. We only ask that the foundation shall come first, and that he shall learn to stand on his feet before he goes on a balloon voyage with Professor Andrea or flies with the lamented Professor Liliantahl, whose biography may be summed up thus: "He flyed, and he died." We only hope that we may be delivered from the thoughtless cruelty that would turn out upon the world a generation of young men and women who have tried in vain to learn a great deal that is of no use to them, and have neglected that which would have given them the means of living. Such a course, in the face of the light which we possess from the experience of the past, would be a crime against the human race.

7. DEBATE ON THE HIGHER EDUCATION OF THE NEGRO.

T. J. Morgan, LL.D. (formerly Indian Commissioner), said: I am very glad to avail myself of the privilege afforded me by Dr. Wayland of occupying fifteen minutes of your time in discussing the subject of the higher education of the negroes, although realizing that such limits forbid anything beyond general statements. I believe very fully in industrial education, and something of this kind is done in all of the schools established and maintained by the American Baptist Home Mission Society. It is an open question how far it is possible to teach farming and the trades in connection with ordinary school work. The experiments in this line in Northern schools have not been altogether encouraging. In schools of technology, such as those in Boston, Brooklyn, Troy, Detroit, and elsewhere, where careful, scholarly, scientific instruction is given, men are successfully fitted for the work of architects, civil and electrical engineering, and many other occupations which call for a high degree of intelligence, a critical acquaintance with mathematics, and a technical knowledge at once intricate and extensive. This kind of industrial training, however, as well as that carried on in industrial schools of even less pretension, presupposes a general culture of no low degree, and is at present practically beyond the reach of most negro students in the South. The plants for such instruction, also, are very costly, and not readily obtainable. I have no doubt whatever that the industrial condition of the colored people could be very greatly improved in schools of this character, and should rejoice very much if large-hearted philanthropists, State governments, or even the general government would undertake to found and maintain them.

I do not feel, however, as the executive officer of a missionary society, appealing to churches for money for missionary purposes, that I should be warranted, without the special instruction of the donors, in using the money contributed for missionary work among the negroes in founding and maintaining industrial schools, which necessarily look primarily to the improvement of their material

condition. This is philanthropic work and important work, but is not, strictly speaking, missionary work. The problem, therefore, which presents itself to me is not the general question of the higher education of the negroes, but the more limited question of the kind of education which a missionary society should undertake to supply.

The negroes are pre-eminently a religious people; and a larger percentage of them, perhaps, is enrolled in evangelical Christian churches than of any other body of people of the same numbers. There are, for example, among the eight million of them in America, more than one million six hundred thousand communicants connected with Baptist churches, for whose religious wants the great society that I represent is particularly concerned. This large body of negro Baptists, organized into thousands of churches, are dependent for instruction and wise leadership in an unusual degree upon their pastors; and hence the question of providing a suitable body of men competent to instruct and guide them religiously is one of great urgency.

The largest churches, some of which number more than two thousand members, are found in the cities, and are composed almost exclusively of city residents, those whose habits and occupations are such as are conditioned by city life. They know practically nothing about farming, and are engaged in a great variety of occupations. The training offered by an industrial school, where special attention is paid to farming, dairying, carpentering, blacksmithing, and other trades, sustains very slight relationship to their work or to that of their pastors. What the pastor of a city church needs to know is not how to raise cotton, to shoe a horse, or build a house, but how to prepare a sermon: he needs a knowledge of language, rhetoric, logic, history, an acquaintance with English literature, ability to understand and interpret the Scriptures, an acquaintance with the history of the Church, the organization and conduct of religious and missionary organizations. In short, he needs that general culture which the ordinary college and the theological seminary afford. There is no essential difference between the work of the pastor of a negro church of one thousand members in the city of Richmond and that done by his colaborer, the pastor of a white church in the same city. Therefore, all the arguments which have been used for the last fifty years in behalf of an educated ministry for white people are significant and forceful when applied to the necessity of special

training for those who are to be pastors of negro churches. No industrial education of any kind is adapted to train and properly equip for their work men who, in the providence of God, are called to be pastors of large negro churches.

Those who are to serve as pastors will, for many years to come be men of very moderate scholastic attainments, who will be obliged to eke out their meagre salaries by some form of manual labor. These would unquestionably be much helped by such industrial training as would afford them a knowledge of the industrial conditions, a mastery of machinery; and no intelligent man supposes for a moment that it is practicable to furnish the negro churches of the South with an adequate number of pastors who are graduates of colleges or theological seminaries. But those who understand the present condition of the religious life among the negroes appreciate very keenly the importance and the urgency of supplying them with at least a few men who, by their scholarship and training, are fitted for the all-important work of guiding religious thought among them and saving them from the vagaries and extravagances into which they would undoubtedly run if left to themselves. If the Christian churches of the North have any duty whatever toward the education of the negroes of the South, it lies primarily along the line of providing for them a competent body of men as pastors.

There is also an urgent need for well-trained teachers; for the teachers in the public schools for the negroes through the South are all negroes. These schools include grammar, high, and normal schools, and those who are called to teach in them need that specific training and that form of education which will fit them for their work. What they require is a thorough knowledge of the English branches,— reading, writing, spelling, arithmetic, geography, language, history, and in the higher grades, algebra, geometry, rhetoric, and the elements of the natural sciences. Industrial training, however valuable in fitting men for earning their living at the plough or the work-bench, does not fit them for earning their living in the school-room as teachers.

More and more, too, year by year, the chairs in all their higher institutions are filled by negro teachers. There is an increasing number of young men and women who ask for the same opportunities for study and culture that are enjoyed by their white neighbors, and they will be satisfied with nothing less. Unless, therefore, there can be a body of negro men and women fitted for their

work as professors in colleges, this laudable aspiration after culture on the part of the most ambitious and worthiest young negroes cannot be realized. No argument in behalf of industrial education as a necessity for improving the material condition of the negroes suffices at all to justify the denial of the necessity of providing men and women capable of improving their intellectual and religious status. The two are not antagonistic, but complementary. It is not a question of captains of industry *or* school teachers, but of school teachers *and* captains of industry. It is not a question of pastors *or* farmers, but of pastors *and* farmers. However important in the development of the negroes farmers and mechanics may be, pastors and teachers are no less important.

There is a growing demand among the negroes for physicians and lawyers of their own race. Students who have graduated from the schools of medicine and pharmacy connected with Shaw University at Raleigh, N.C., have found abundant opportunity for useful and remunerative practice among their people. The testimony of its white faculty, composed of some of the most reputable and successful physicians of North Carolina, is uniform and emphatic that the negro students of medicine are faithful, competent, and successful, and that, under the severe requirements prescribed by the State Medical Board for those who wish to practise medicine, they acquit themselves with credit. The tendency in Northern white schools of medicine is toward the constant elevation of the standard of admission and the attainments requisite for a diploma. Negro anatomy does not differ at all from white anatomy. Negroes are subject to the same accidents and misfortunes, the same diseases, and require the same medical care that white people call for. There is no sensible reason that can be offered in favor of the higher education of white men, to fit them to become skilful practitioners of medicine, which is not equally valid in behalf of similar higher education for negro physicians. No industrial education, however elaborate or valuable it may be in fitting a man for industrial pursuits, has any special value in fitting him to be a druggist, a surgeon, or a doctor.

I need not stop here to argue regarding the value of higher education, including especially a knowledge of Latin, in the work of preparation for success as a lawyer.

One of the most significant facts connected with the development of the negroes since the war has been the multiplication of negro newspapers and magazines. Some of these periodicals

have acquired a very considerable circulation, are edited with marked ability, and are exerting no little influence in moulding public opinion on political, social, and religious questions. Looking forward into the future, it seems evident that journalism will occupy a more and more important place among them, and that its character and influence will be determined necessarily by the kind of education enjoyed by negro editors. Undoubtedly, an industrial education stands an editor in good stead, especially if he is connected with a trade journal or a newspaper that circulates among farmers; but it is equally true that an industrial education utterly fails to give the all-round training and high-grade culture that are essential to the highest degree of success in the editorial profession.

I can only take time to merely state the fact that by reason of citizenship the negroes of the South are entitled to active participation in political matters, voting and being voted for, and that this calls necessarily for education in the line of civics for the voter, and for a knowledge of history, politics, and statesmanship on the part of those who aspire to office or to political leadership. We can no more crush out of the negro mind political aspirations than we can out of the Caucasian mind. The negroes are Americans, with an American consciousness, American ideas, aspirations, ambitions; and they are susceptible to precisely the same influences which control their white fellow-citizens. They can be led and misled. They can be swayed by fallacy and by facts, by appeals to their ambition and prejudice, and by reason addressed to their intellects. They are capable of being influenced by moral and religious considerations, and can be directed in the performance of civic duty by wise appeal to their patriotism. There is a place for political leadership among the eight million negroes of the South; and that place will be occupied by men who are either trained and fitted for it, and who will use their power for wise ends, or by demagogues, tricksters, and charlatans. It is no small matter that there shall be provided for them men who, by reason of their ability, culture, and training, are competent for wise leadership. I submit that no form of industrial training yet devised can take the place of a college curriculum in giving breadth of knowledge, catholicity of sympathy, power of thought, constructive ability, and fitness for leadership.

These, then, are some of the considerations that influence me in my belief that the Christian people of the North who recognize

the manhood of the negro, who see the opportunities that are open to the negroes of the South, who realize the great responsibility that rests upon them by reason of their citizenship, and who sympathize with their aspirations after power and culture, can serve the present generation and prepare the way for future generations in no other manner so well as by making it possible for the young men and women among them who are competent for it to gain a higher education.

Remarks of Professor Silas X. Floyd, of Atlanta University, Georgia.

Atlanta University stands distinctively for the higher education of the negro. But, when I say that Atlanta University stands distinctively for higher education, do not understand me to mean that Atlanta University stands exclusively for higher education. That is not the fact; for, in connection with our work of higher education and forming a part of it, we have a large industrial department, and industrial training in our institution is compulsory upon all students. Our industrial training, however, differs from the kind of training usually given in the more distinctively industrial and trade schools of the South. For instance, no attempt is made in our institution at productive industry. Our methods are educational rather than commercial. The shop exists for the boy, and not the boy for the shop. As soon as skill is acquired that might have some commercial value in some one particular line, the boy is set to learning something else, that he may have skill in many directions. The reason for this method is found in the specific object which Atlanta University has in view in its industrial training. It aims to send forth not mere artisans, but rather directors of labor and teachers of industry for the masses. And the wisdom of such a method is shown in the fact that already we have provided superintendents of manual training and instructors of industrial work for some of the leading industrial schools of the South. But, entirely aside from this practical outcome of the industrial training given in Atlanta University, such training is believed by us to be of great value as forming a part of an all-round education.

It is generally agreed that the negro must achieve his own elevation. No race in the annals of history has ever risen to a position of proud esteem that depended upon other races or outside

influences for its leadership and direction, and we cannot expect that in this respect the negro race will belie universal history. If ever the negro race at the South is to be uplifted, if ever it is to be raised to a position of comparative civilization and enlightenment along with the other races of the world, it must be done through teachers and leaders raised from the rank and file of the race itself. If, therefore, it be agreed that the negro race must achieve its own elevation and through leaders and teachers of its own, the whole argument then turns upon this question: What sort of leaders and teachers or what sort of leadership and direction shall the race have? To which question there can be but one answer,—the best leadership and direction possible.

This question suggests one other. It is this: What kind of training will produce the better class of leaders and teachers for the negro race? That training which gives the negro simply an elementary education and a trade or that training which gives the negro a full-orbed education, including the lower education as well as the higher education, but making the lower and industrial training subsidiary to the higher training? To ask such a question is to answer it. I am frank to admit that for many negroes that training that is predominantly industrial may do better where a regular day's work constitutes an apprenticeship for a trade, supplemented by such study in the evening as the endurance or ability of the pupil may warrant; but I am also frank to say to you that men so trained, no matter where, no matter by whom, will never amount to more than "hewers of wood and drawers of water." That is not the natural way to prepare teachers, preachers, doctors, lawyers, dentists, scientists, inventors, merchants, and business men for the race. For such the industrial training must be subordinate, and not only so, but in addition it should be limited in amount of time daily allotted to it.

I admit that practical education is the demand of the hour, but the limits of what is regarded as practical should not be too narrow. There are those who say it is better to know how to work than to study Greek and Latin, because work is practical; but nothing is more practical than getting an insight into the civilization of which we form a part, and into the motives of the people among whom we live. Greek and Latin are not dead languages. These languages live in our civilization, which civilization came in part from the Greeks and in part from the Romans; and what we didn't get from the Greeks and Romans we got from the Hebrews.

That is indeed a very short-sighted policy which holds that the best leadership, or even good leadership, can be developed without any insight into our civilization, and the language of the people from which it came to us.

An education which fits a boy to earn good wages by the use of the carpenter's or blacksmith's tools is practical; but, if the education fits the boy to earn better wages as a master mechanic or qualifies him to direct the labor of a dozen or a score of workmen in wood or iron, is it any less practical? To teach a girl how to cook or sew, how to do laundry work, etc., is to give her a practical education. But it is a mistake to suppose that the only practical or desirable use a girl can make of such an education is to be a cook, seamstress, or wash-woman, thoroughly worthy as each of these employments is. There are those who say that the higher education given by Atlanta University causes the negro to despise manual labor. That is not so. Our system of training does not educate the student away from labor, but from lower to higher forms of labor.

In conclusion, permit me say that higher education is not given in Atlanta University as a mere matter of sentiment, but with practical ends in view. We are intensely utilitarian. We aim to furnish the teachers and leaders of the negro race, and we are going to give these teachers and leaders higher training. We are not going to be misled by opposition to such training for the negro, but we expect to continue to advocate it until many more are seeking it.

Remarks of Mr. B. T. Washington.

It seems to me that the temptation in educational and missionary work is to do for a people that which was done a thousand years ago or is being done for a people a thousand miles away without always making a careful study of the needs and conditions of the people whom we are trying to help. The temptation is to run all people through a certain educational mould, regardless of the condition of the subject or the end to be accomplished. Unfortunately for us, as a race, our education was begun, immediately after the war, too nearly where New England ended. We seemed to overlook the fact that we were dealing with a race that had little occasion to labor in their native land, and consequently brought little love for labor with them to America. Added to this

was the fact that they had been forced for two hundred and fifty years to labor without compensation, under circumstances that were calculated to do anything but teach them to see the dignity, beauty, and civilizing power of intelligent labor. We forgot the industrial education that was given the Pilgrim Fathers of New England in clearing and planting its cold, bleak, and snowy hills and valleys, in the providing of shelter, founding the small mills and factories, and in supplying themselves with home-made garments, thus laying the foundation of an industrial life that now keeps going a large part of the colleges and missionary effort of the world.

May I be tempted one step further in showing how prone we are to make our education formal, technical, instead of making it meet the needs of conditions, regardless of formality or technicality? At least 80 per cent. of my people in the South are found in the rural districts, and they are dependent on agriculture in some form for their support. Notwithstanding in this instance we have practically a whole race dependent upon agriculture, and notwithstanding thirty years have passed since our freedom, aside from what has been done at Hampton and Tuskegee and one or two other institutions, not a thing has been attempted by State or philanthropy in the way of educating the race in this one industry on which their very existence depends. Boys have been taken from the farms, and educated in law, theology, Hebrew, and Greek,— educated in everything else but the very subject that they should know most about. I question whether or not among all the educated colored people in the United States you can find six, if we except the institutions named, that have received anything like a thorough training in agriculture. It would have seemed that, since self-support, industrial independence, is the first condition for lifting up any race, education in theoretical and practical agriculture, horticulture, dairying, and stock-raising, should have occupied the first place in our system.

Some time ago, when we decided to make tailoring a part of our training at the Tuskegee Institute, I was amazed to learn that it was almost impossible to find in the whole country an educated man who could teach the making of clothing. I could find them by the score who could teach astronomy, theology, German, or Latin, but almost none who could instruct in the making of clothing,— something that has to be used by every one of us every day in the year. How often has my heart been made to sink as I have

gone through the South, and into the homes of the people, and found women who could converse intelligibly on Grecian history, who had studied geometry, could analyze the most complex sentences, and yet could not analyze the poorly cooked and still more poorly served corn-bread and fat meat that they and their families were eating three times a day! It is little trouble to find girls who can locate Pekin or the Desert of Sahara on an artificial globe; but seldom can you find one who can locate, on an actual dinner table, the proper place for the carving-knife and fork or the meat and vegetables.

A short time ago, in one of the Southern cities, a colored man died, who had received training as a skilled mechanic during the days of slavery. By his skill and industry he built up a great business as a house contractor and builder. In this same city there are thirty-five thousand colored people, among them young men who have been well educated in the languages and literature; but not a single one could be found who had been so trained in mechanical and architectural drawing that he could carry on the business which this ex-slave had built up. And so it was soon scattered to the wind. Aside from the work done in the institutions I have mentioned, you can find almost no colored men who have been trained in the principles of architecture, notwithstanding the vast majority of our race is without homes. Here, then, are the three prime conditions for growth in civilization,—food, clothing, shelter; and yet we have been the slaves of forms and customs to such an extent that we have failed in a large measure to look matters squarely in the face and meet actual needs.

You cannot graft a fifteenth-century civilization into a twentieth-century civilization by the mere performance of mental gymnastics. Understand, I speak in no fault-finding spirit, but with a feeling of deep gratitude for all that has been done; but the future must be an improvement on the past.

. . . . . .

I have referred to industrial education as a means of fitting the millions of my people in the South for the duties of citizenship. Until there is industrial independence, it is hardly possible to have a pure ballot. In the country districts of the Gulf States it is safe to say that not more than one black man in twenty owns the land he cultivates. Where so large a proportion of the people are dependent, live in other people's houses, eat other people's food, and wear clothes they have not paid for, it is a pretty hard thing to tell how they are going to vote.

Remarks of Hugh M. Browne, of Washington, D.C.

In my invitation to take part in the discussion of the higher education of the colored people of the South, your Vice-President indicated that the fact that I had lived in Liberia would enable me to speak as one having authority. I am not sure that I understand just what Dr. Wayland meant by this hint,—whether he wished me to give an account of Liberia, the republic which began with an imported college, and has not yet established a common school; nor been able, although maintained financially by friends in the United States, to prevent this college from falling into the condition which Mr. Cleveland calls "innocuous desuetude," — or whether, possessing himself a knowledge of the retrograding effects of higher education upon that republic, he predicates therefrom the position which I shall take in this discussion. If the latter, he is perfectly right. No man whose judgment is worth accepting can live one week in Liberia without becoming a radical advocate of the now celebrated ratio of 16 to 1,— not between gold and silver money, for Liberia has neither, but between higher and industrial education. I mean that, in the matter of the education of my people, one part of industrial is worth, in weight, volume, and potential energy, sixteen parts of the best literary or higher education the world has ever seen. After much thought and prayerful consideration, I have arrived at the conclusion that the Great Creator has permitted the foundation and existence of Liberia in order to give to the world a striking and forcible object-lesson on the folly of attempting to prepare an undeveloped race for the "ceaseless and inevitable struggle and competition of life" by higher education.

In the time allotted, it is impossible to enter into anything like a full presentation of this object-lesson. Happily, this is not necessary for this Association. If, therefore, I can succeed in presenting what a friend of mine once called "a brief epitome of a brief syllabus," it will be hint sufficient to you gentlemen who are wise in matters relating to social evolution.

Zadig, when required to explain his perfect description of the king's horse, which he had never seen, said: —

Wandering through the paths which traverse the wood, I noticed the marks of horse-shoes. They were all equidistant. "Ah!" said I, "this is a famous galloper." In a narrow alley, only seven

feet wide, the dust upon the trunks of the trees was a little disturbed at three feet and a half from the middle of the path. "This horse," said I to myself, "had a tail three feet and a half long, and, lashing it from one side to the other, he has swept away the dust." Branches of the trees meet overhead at the height of five feet, and under them I saw newly-fallen leaves; so I knew the horse had brushed some of the branches, and was, therefore, five feet high. As to his bit, it must have been made of twenty-three carat gold, for he had rubbed it against a stone, which turned out to be a touchstone, with the properties of which I am familiar by experiment. Lastly, by the marks which his shoes left upon the pebbles of another kind, I was led to think that his shoes were of fine silver.

A nineteenth-century Zadig travelling in Liberia — the people having been swept out of existence — could, by a similar retrospective prophecy, describe what manner of man the Americo-Liberian was. His description would be something like this: He was a man who, in every line of life, was a non-producer. All that he possessed came as a gift, either from another race, or from the wild products of nature. A man who had simply used some of the effects of civilization, without ever manipulating the causes which produce these effects. A man who had memorized the higher education of another race, without ever realizing the fact that knowledge is power. He was like the hello-girl in the central office of a telephone system who uses the phone many times in the day, but knows nothing of the induction coil, the variable contact of the carbon and platinum buttons, and the effect of this contact on the strength of the current passing through it. She simply uses a completed instrument which she can neither repair nor reproduce.

When asked to explain this true description of a man whom he had never seen, the nineteenth century Zadig would answer: —

In my journey through Liberia I find a few iron implements used by civilized races, but I find no remains of an iron foundry or factory; and the iron ore, though plentiful, rests undisturbed. I find some manufactured cotton wares, but I find no remains of a cotton gin or mill, and the cotton plant is only found in its wild state. I find rubber manufactures, but no remains of the rubber-factory, and the wild rubber-trees have never been tapped. I find ground coffee, but no remains of the pulping-house or pulper; yet the country is overrun with wild-coffee trees of the finest quality. I find cans which contain all kinds of vegetables, but I find

no trace whatever of a truck garden or canning factory. I find leather articles, but no remains of a cattle ranch, slaughter-house, or tannery. I find gold coins, but these bear the stamps of other countries; and the rich deposits of gold throughout the country have not been disturbed. I do not find the slightest evidence of the existence of a railroad or a wagon road, nor are there any indications that the streams were ever used as water-ways. I find a few official records, but among these no other evidence of an income to the republic than that derived from import and export duties; and the exports are uncultivated, raw products, furnished by the uncivilized tribes, and exported by white men residing in the country. I do not find one article bearing the stamp of a Liberian manufacture. I find a college in a sad state of decay, but I find no trace whatever of a common school.

I am not slandering Liberia in this "retrospective prophecy." I am but hinting at facts to which I called the attention of her people while in that country, and pleaded with them at the peril of my life for a change from a dependent to an independent existence; from a delusive imitation of civilization to a real living civilization; from a memorized knowledge of higher education to that bread-winning, resource-developing industrial knowledge which is a power unto the salvation of both soul and body and which alone can help an undeveloped people to help themselves. I pleaded and labored in that country for industrial education, as I have never pleaded for God's protection and guidance for myself or labored for my own existence. After studying the country and the condition of the people, I formulated a plan of education for Liberia quite similar to that which has been made famous by Tuskegee. In the letter to the interested white friends in America accompanying this plan occur such passages as the following, which I now quote to show my position on the question we are now discussing thirteen years ago, while in Liberia, and my position to-day while laboring in the cause of education in this country.

There is too much at stake in the trial which Liberia is making for any one connected with her, be that connection ever so remote, to be indifferent to the most indifferent of her concerns; but to neglect or unwisely order the education of her youth is to sound her death knell before she has reached her majority.

There is no royal road to civilization for the negro; nor does he need such. He needs now, in Liberia, an industrial institute,

common primary schools, and a corps of well-trained and experienced foreign teachers, and these black or white, only that they believe in the brotherhood of man, and, above all, are such as think it not a sin to work.

It was a serious mistake when the affairs and control of the college were committed to the charge of the trustees in Liberia. A board of trustees, composed principally of unlearned and illiterate men, is no more prepared to conduct the affairs of a college than is a canal boatman to direct safely over the Atlantic one of our great steamers. I don't believe it possible to step out of slavery into such positions,— the distance is too great, and the steps between the two stages too necessary to the securing and maintaining the latter.

Nor do I think it just in those who desire to see a race *rise* to undertake to *raise* it, as so many of our friends have done since the war. Give the negro the opportunity to grow into such positions and he will stand firm, think correctly, act wisely; but make him the holder of such positions and you may expect no more fruit from him than one does perfume from the artificial flower. We must *grow*, and those who direct our growth must themselves be *grown*.

This country needs an institution which will put within the reach of the children of the masses, of the Americo-Liberians and of the natives, a common school education coupled with some trade,— mental improvement and muscular development of distinct money value.

They need the knowledge which skilfully grapples with the difficulties attendant on the development of a new country by a poor and untrained people,— an education which not only trains the mind how to observe and think properly, but which prepares one to intelligently understand the various duties and avocations of life, and enables him to earn a competent livelihood. The child crawls before it walks, and the young nation must struggle first in the rougher roads of material development before she essays to tread the higher paths of purely intellectual culture. For the present, provision for higher education should be made only for exceptional cases of talent and merit. Indeed, it would probably be well if this arrangement were permanent; for. after all, only those of exceptional talent and merit succeed in the walks of higher culture.

Liberia needs thousands of intelligent farmers and skilled artisans. Through these must education show its power and attract the people to its ways. The rising generation here must be taught self-reliance and independence. They must be made producers, who shall bring to the markets of the world the products, wares, and manufactures of properly conducted farms, workshops, and manufactories. The institution for this country at present is at Hampton. And I have underscored Hampton four times.

These quotations indicate the conviction which my loyalty to race, wide observation, and experience all unite to confirm,— namely, that a people's education should fit them to succeed in the condition and environment in which their lot is cast.

Let us now come nearer home than Liberia. And let us be perfectly frank and outspoken. The trial of the negro before the bar of nations on the question of his title to the brotherhood of man is too near the jury-stage for sentimentality and weak excuses. The time has arrived for plain speaking and acting, for the presentation of substantial evidence of facts.

The same serious mistake made in Liberia, namely, substituting higher for industrial education, was made in the South. There we had the same disregard of the fact that a wilderness exists between Egypt and Canaan in the progress of a race or people. When we reached the opposite shore of our Red Sea, at the close of the late Rebellion, the majority of our saintly white friends of the North, and the colored men who had the ear of the nation at that time, believed that we placed our feet upon the land of Canaan. They, therefore, fed us on the milk and honey of that land. And to us, in our ignorance, this food was sweeter than manna, though the latter was supercharged with the proper nutriment and came directly from heaven. Now that they and we are beginning to realize that the land was not Canaan, but the shores of a wild, rugged, unexplored wilderness, we are both also discovering that the diet of Canaan does not produce the bone and sinew necessary for the journey.

We were given the higher education of the advanced white man, whose race has fought the good fight in the wilderness and is now concerned about the improvement of Canaan; and with this misfit training we have gone to our people in the wilderness, only to discover that we possess the *outfit of leisure* where the *outfit of labor* is needed.

No, my friends, neither man nor race steps from Egypt to Canaan, they journey there through undiscovered roads. The wedding garment of that land is of the crazy-quilt pattern, made of pieces of experience gathered only on this journey. I am, therefore, singing daily, not of "arms and men," but of the sweet uses of this wilderness, where necessity prepares us to win in the struggle for life, and God prepares us to win in the struggle for the life of others. And the burden of my song is that an education and Christian services, which are not adapted to our present

condition and environment, are of no more value to us than is a pair of skates to a boy who lives in Madeira.

We have been sent to the Greek and Latin authors, but they do not teach us to bridge the streams we meet nor how to bring bread from the untilled soil. We need schools which put the hoe in one hand and a book on farming in the other; a hammer in one hand and a book on carpentry in the other; a broom in one hand and a book on housekeeping in the other. Christian scientific industrial training is the highway in the wilderness for us. Every circumstance at present makes this way so clear that wayfaring men, though fools, shall not err therein, and those colored men who do err are the fools whom the Good Book recommends should be left to perish in their folly.

Labor, though the taste for it is acquired, is the true means of development. That it required, under God's providence, two centuries and a half to introduce us to a mild form of this means, in the South land of this country, is to me a very significant fact. If we will come to a familiar acquaintance and saving knowledge of labor, we must do so by educating our children to cherish labor as the pearl of great price, and to sell all else to purchase it. We must eradicate the idea that labor is degrading, by training our children to labor, and industrial education alone does this.

I favor the industrial, because the higher or purely literary education is not in touch with our present condition and those parts of our environment with which we are in correspondence. Among others, this higher education produces these three effects which are inimical to the progress of any race or people in our present condition: —

First, This purely literary education produces an unmarketable article, thus entailing upon the race three total losses; namely, the cost of its production, the anticipated selling price, and, saddest of all, the expense of carrying this article in stock. The avenues of employment which require higher education are to-day over-crowded with white men; among them the supply is greater than the demand, and is still increasing. Nor is their higher education a new thing. It is the result of natural growth, and rests upon an *experience* with the *letter* which now celebrates not its birthdays, but its centennials.

Colored men deceive themselves when they fancy color prejudice the obstacle which closes against us the avenues in which higher education reaps its harvest. That which closes these ave-

nues tightest is our lack of that factor of proficiency which is acquired only from experience. And this is the factor which our present condition and environment do not furnish. The whites will not let us practise on them, and our own people are not yet in the condition to be practised upon. I am thoroughly convinced that the best way to establish this factor amongst us, in this country, is to extract ths greatest possible life from those parts of our environment with which we are at present in correspondence.

Second, This purely literary education puts the average colored man out of touch with our people. The young white man, squandering the wealth of his parents, because he was reared out of touch with the causes which accumulated that wealth, presents to my mind no sadder or more demoralizing picture in the social life of this country than the young colored man squandering the knowledge of the university, because his people were reared out of touch with the concrete causes which produced that formulated, abstract knowledge.

This purely literary training does not touch the present social condition of our people in sufficient vital points. Its trend is toward the abstract, while we are wrestling with the coarser forms of the concrete. The formulated knowledge of the book is but the experience of those who have succeeded in the struggle with the concrete, and can be of little developing value to one whose study of it is divorced from the concrete. When we step out of these seminaries of higher education, we are quite like the girl who thought she was a cook because she had memorized the better part of a scientific course on cooking. When thus equipped she finally entered the kitchen, it was only to discover that the old cook did not understand her theories and scientific terms, and she herself did not know a rolling-pin from a cullender—hence each was disgusted with the other.

We are just learning to manipulate the causes of the higher civilization; the knowledge of the effects of this civilization, therefore, will not help us, and one equipped therewith is out of touch with us.

We form the working masses engaged in fields of unskilled labor the world over, even in Africa. The educated men and women who will help us succeed, round by round, to the top of the ladder, must bring us their learning in our own language. Herein lies the difference between the average college-bred man amongst us and our distinguished educator, Booker T. Washington: the former

speaks to us *brokenly* in a foreign language, while the latter speaks to us *plainly* in our own language.

Harvard University honored the race which built her, when she honored Booker T. Washington. I have never known the white race to hesitate in their sanction and praise of men, whatever their color or creed, when they find them storing up energy, the motions arising from which produce social efficiency.

Third, This purely literary training puts the average colored man out of touch with himself. I don't believe any man, white or black, can in the first generation of his intellectual life, digest and assimilate the present prescribed courses of higher education.

Physically, there is but one way to obtain the full corn in the ear, and that is to give the seed the condition and environment essential to its daily growth. The seed thus provided for gradually and slowly takes in, digests, and assimilates each day its daily bread, and builds up first the blade, then the ear, and after that the full corn in the ear. It is none the less true of the mental development of a people,—they must receive mental food gradually and orderly, first, that which pertains to the blade stage, then that which pertains to the ear stage, and after that, that which pertains to the full-corn-in-the-ear stage. To supply all this while in the blade stage produces the worst form of mental indigestion, and a resemblance to an educated man which is ludicrous and yet self-satisfied. In this connection, I do not hesitate to declare that if one should analyze the efforts put forth under this unnatural training, he will find that they aim rather at the impossible task of changing the Ethiopian's skin than at the possible and God-ordained one of improving the condition of that skin; and in the name of God and humanity, what else can the harvest be than impracticability and discontent? Knowledge, like food, is a power to its possessor only when it is assimilated. There can be very little harmony among the "internal relations" of that man whose head is overloaded with indigested knowledge while his empty stomach is wrestling with the petition, "Give us this day our daily bread."

A man educated out of touch with himself is like poor little David clothed in the mighty armor of Saul. I rejoice, though, that the time has come when we are learning, even though slowly, that there is at the present stage of our progress more virtue in the sling than there is in the mightiest of such armors.

In conclusion, I am not opposing higher education in itself, I

am opposing it at a stage in a people's history when it destroys efficiency and power. I am pleading for an education specially adapted to the circumstances and conditions of a specific case. I am beseeching our benevolent white friends to look upon us in the terrific work of our Christian development as seeds to be grown into fruitful plants, and not as so much clay to be cast into various forms by the potter. I am not asking a change in the system of education which the white man has built up. I am, out of the fulness of my heart, begging that it be kindergartenized when brought among us. I am claiming that the best way to teach the young idea of an undeveloped people how to shoot is to practise it in shooting the seed corn into the furrow and striking the nail upon the head with the hammer.

I see no reason for blaming the white man for the results of my own inactivity. Nor do I look with alarm upon restrictions placed upon my desire to continue in this inactivity. I do know that his former history gives every assurance that when Ethiopia shall unfold her arms and stretch forth her hands in the rivalry of life he will admit her "on a footing of equality of opportunity." The altruistic feeling of his civilization will demand this as truly as it demanded the abolition of slavery the world over. The height to which we shall rise in true civilization depends upon the energy and wisdom with which we shall stretch forth our hands in this rivalry.

II. DEPARTMENT OF JURISPRUDENCE.

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1. INTERNATIONAL JUSTICE.

BY DAVID JAYNE HILL, PRESIDENT OF THE UNIVERSITY OF ROCHESTER.

[Read Thursday, September 3.]

The dogs of Constantinople, we are told, have their own territorial limitations. They follow a stranger to the limit of their wards, but invariably halt upon the frontier with as much deference to the boundary as a French soldier at an outpost of the German Empire. It is not difficult to understand how these limits have been established. Originally, the hungry animals roamed everywhere, seeking after food; but, in time, they fell into habitual rounds, and became attached to certain places where there were exceptional chances for a dinner. New-comers were attacked and driven away, and these in turn established themselves in less desirable quarters, repelling invasion with a similar ferocity. Thus originated a division of the city into canine wards, or, to change the figure, tribal aggregates were formed, and territorial limits were established by frontier battles which fixed lines of permanent compromise between the bands of contestants.

Every sensitive being tends to exercise its native powers and gratify its native appetites. This brings it in conflict with other creatures; and, if it survives, it must adopt a course of behavior toward its fellow-creatures of the same and of different species which will insure its escape from their rapacity or revenge. Thus, for every order of beings, a course of conduct is marked out which is most advantageous in the struggle for existence. The formula descriptive of this course — that is, the rule according to which the being acts — is the natural law of that being's life.

Man has had no exemption from these universal conditions of existence; and, when he reached the level of reflective capacity, he found himself already a member of a society shaped for him by

the forces of nature, and was compelled to conform to certain rules of action which had been unconsciously introduced. Society is the creature as well as the creator of custom; and, in its natural sense, "law" is the parent rather than the child of social existence. "Long before any supreme political authority has come into being," says Sheldon Amos, "a series of practical rules determine the main relations of family life, the conditions of ownership, the punishment of the more violent forms of moral wrong-doing, and the adjustment of contracts. The mode in which such rules are formulated seems to be the following: A spontaneous practice is first followed, and, if good and useful, is generally copied over and over again, the more so as habit and association always render the imitation of an old and familiar practice easier than inventing a new and untried one." *

But at last a stage is reached in the social evolution of man at which a distinct verbal formulation of custom in precepts or maxims becomes desirable; and, when law has attained this expression in propositions, all that is necessary to modify or create it is the power to enforce compliance with new requirements upon the individuals who form the community. When this point of development is reached, a new force enters into society. From that moment it becomes possible to transcend actual custom by setting up ideals of justice which shall henceforth react upon practice with the elevating power and logical consistency of principles of equity rationally applied. All that is then needed to establish *theoretically* the dominion of reason over human action is the transfer of legislative authority from the hands of arbitrary individual rulers to the sovereign people, or their direct representatives, by constitutional provisions. For the accomplishment of this task many centuries have been required; but the growth of legislative privilege has been, in late years, more rapid than the development of legislative capacity. For the *practical* perfection of the work of legislation, however, there is still needed a higher development of popular intelligence, which alone can raise the standard of the law-making power.

Parallel with the evolution of law as an institutional growth, there has been a corresponding development of the idea of justice. Primarily, this idea arises from the experience of inequality, and at first appears in the negative form of equalizing injuries inflicted. Deprivation of the common objects of desire,

* The Science of Law, p. 49.

by the exercise of superior force, was an early human experience. The impulse to regain that which was taken away, or, if this was impossible, to make an equal reprisal, led to a state of warfare which was rendered the more intense, the longer it continued. The communistic or tribal nature of primitive property made every invasion of individual rights a tribal insult, to be avenged in kind. The murder of a man involved his next of kin in the obligation, extended at last to the entire tribe, to slay the murderer; and every lesser injury required a corresponding retorsion. Thus grew up the *lex talionis*, universal at all the lower levels of humanity. So far there was absolutely no idea of justice, except as the equipoise of injuries. This conception is far from being outgrown in the present civilized States of Christendom, and runs through our statutes, our codes, and our theology, wherever the idea of retributive justice appears. It is essentially a purely negative notion, an equation of evils and injuries, not a positive conception of indestructible obligations binding men and nations to deeds of mutual beneficence.

The early and negative notion of justice is wholly material, and expresses a relation between measurable things and quantities. According to this idea, there is no debt of injury that cannot be paid, and none that should not be. Duty consists in inflicting an equal injury upon an enemy. A little extra damage may safely be done, as he will be certain to retaliate; and whatever is done against him now will be so much to our credit on the next account. Such a conception, of course, contemplates perpetual antagonism as following from a law of nature, and therefore to be expected. There is no logical stopping-place in a series of settlements upon this theory, where every truce is only a rest in preparation for a new aggression.

But the positive and modern idea of justice is at every point in opposition to this crude compensation of evil with evil. It is a rational conception, based upon the idea of personality as a power of infinitely expansive tendency. *Every human being has an inherent right to become all that his nature and capacities permit of his becoming, as he develops toward the realization of his own ideal.* Unnecessary restriction of this development cannot be justified on any rational ground. The only interference that can be permitted is that which necessarily results from the conflict of rights in the process of individual expansion. The freedom of the individual is absolute, except as it interferes with the equal freedom of other

individuals; and to find, determine, and fix with authority the limits of this freedom, as restricted by the equal freedom of all, is the problem of justice.

This conception applies equally to men and to nations. Like every human individual, every free, independent, and sovereign State has a tendency to expand, to exercise its powers, to develop its resources, and to realize its national destiny as apprehended by itself. International justice is the problem presented by the moral and physical necessity of finding, determining, and fixing with authority the limits of this freedom of growth and expansion as restricted by the equal freedom of all independent and sovereign States. It is a problem of colossal magnitude and of supreme importance to human welfare. Within a few months we have seen the two greatest nations of the earth, speaking the same language, accepting the same religion, animated by the same legal, institutional, and humanitarian traditions, counting their battle-ships, enumerating their available forces of men and artillery, and estimating the extent of their financial credit if, in an expected crisis, there should be a declaration of war between their respective governments. Prior to the appearance of the morning newspapers which sent a thrill of astonishment and dismay through more than a hundred millions of human beings, there was not on either side of the Atlantic the faintest suspicion that war was a possibility. And, in reality, it was not possible except through a criminal blunder; for the good sense and friendly spirit of these two peoples were such that deliberation alone was needed to show to both that such an enterprise is unnecessary, unwise, and unreasonable. But the bare possibility that two civilized nations could be flung into the arena of battle by the accidents of diplomatic mismanagement or misunderstanding over a question which does not seriously affect the interest of either country shows that it is not untimely to consider deliberately the condition of those international relations which could be so easily disturbed, and whose disturbance would involve the best part of humanity in the barbarities and atrocities of primitive tribes of savages seeking to efface one another from the surface of the earth.

The establishment of international justice upon a basis as secure and peaceable as that of municipal justice in civilized States would not seem to be a chimera, and yet it is invested with difficulties of considerable magnitude. Three conditions at least must be fulfilled before a system of perfect international justice can be created

and rendered fully effective: (1) a code of International Law must be formulated, and recognized as binding upon sovereign States; (2) a method of adjusting differences by the application of this code must be devised; and (3) a means must be discovered of enforcing the decisions arrived at through the method of adjustment. These three conditions involve quite unequal degrees of inherent difficulty, and present different stages of approach to realization. For the sake of clearness, it may be well to consider them in the order of statement.

I. The Codes of International Law.

1. The recognition of international rights has been almost exclusively confined to modern times and Western civilization. The ancient absolute monarchies of the Orient, even more than those of the present, were intolerant of all national pretensions except their own, and lived in a state of almost uninterrupted warfare with their neighbors. Their ignorance of distant nations and their feuds and quarrels with adjacent peoples rendered peaceable intercourse almost impossible, and the idea of justice between States was therefore unborn.

The Greeks recognized the independence of other States, both Hellenic and non-Hellenic, and had diplomatic intercourse with them to a limited extent; but they were accustomed to regard all foreigners as barbarians. Their customs in war were extremely cruel, and their policy in peace did not extend beyond the unification of Greece against the barbarian world. In their domestic alliances, dictated by community of blood and civilization, they attained a conspicuous degree of federation. "Among the Greek cities and States a certain recognition of international justice was shown by the action of the Amphictyonic Council, an institution more religious than political, for the pacific adjustment of disputes. That council had doubtless some influence in restraining the savagery of intestine wars by binding its members not to destroy any of the Amphictyonic towns, not to turn away their running waters, and not to commit theft in the temple of Delphi, the common centre of the confederacy." * But the authority of the council was confined to the twelve Hellenic nations associated in the worship of the same gods.

The Romans established far wider foreign relations than the

* Leone Levi, International Law, p. 10.

Greeks, but in their treatment of other nations they were not governed by any body of justice. "Blinded by the desire for universal dominion," says Leone Levi, "the Romans did not see that any International Law did or could exist; and, if they apprehended its existence, they certainly did not acknowledge its authority nor observe its doctrines."* The *jus gentium* was, indeed, better known to them than to any other nation of antiquity; but they understood by it those natural principles of justice that underlie all national customs in common, and are, therefore, applicable to all men and countries. But they did not apply these great principles as between States, probably for the reason that they did not distinctly recognize the equal and reciprocal rights of all nations, especially as against themselves. Their *jus feciale*, applied by the *collegium fecialium*, was intended to control the conduct of their armies toward other nations during war; and the declaration of war was in the power of this college. But the fecial law was not founded upon the *consent* of other nations, and was therefore, in no proper sense, a form of international law.

During the whole of the period between the downfall of the Roman Empire and the close of the Dark Ages some of the Mediterranean cities maintained more or less intimate commercial relations, and the first movement toward the formation of codes of law applicable to foreign intercourse seems to have originated from the requirements of maritime commerce. Everywhere upon land there was some kind of local authority; but the sea, "that great common of mankind," beyond the jurisdiction of any king, was the open field of piracy and plunder. What the Christian religion, originally so full of peace and the spirit of human unity, had failed to do when rendered a political power by official adoption, the interests of trade attempted to accomplish; and justice upon the sea was the first step toward justice among the nations. "The Jugements of Oléron" was a body of regulations governing the navigation of the western seas, believed to have been drawn up in the eleventh century. It was long recognized in most of the Atlantic ports of France, and was afterward incorporated in the maritime law of Louis XIV. "The Consolato del Mare," or "Customs of the Sea," was a more pretentious collection of rules pertaining to commerce and navigation both in peace and war. Its provisions regarding prize law long prevailed in the maritime code of Europe, and have been reaffirmed in many treaties. Other sea laws, such

* International Law, p. 11.

as the "Guidon de la Mer," the "Laws of Wisbuy," and the "Ordinances of the Hanseatic League" mark the wider extension of the maritime laws and policy of the Mediterranean. All of them are believed to contain elements extracted from the oldest known maritime code, the "Rhodian laws."

Among the causes that contributed to the development of International Law we must mention the decay of feudalism. Dating back to the migration of the Teutonic tribes into Western and South-western Europe, in the third and sixth centuries, this system of land tenure was unfavorable to the existence of sovereign States. The fiefs had been at first precariously held, being without any guarantee except possession. By the connivance of the more powerful chiefs, titles had become annual, then for life, and at last hereditary. At the height of feudalism the kings held only a nominal and military jurisdiction; and, in assuming hereditary crowns, they had sanctioned an hereditary partition of territory which rendered them dependent upon their feudal barons. With the emergence of the modern States system from the ruins of feudalism, sovereignty became concentrated in the hands of a few powerful rulers; and really sovereign States began to assert their rights, and to secure them by treaties and conventions.

The institution of chivalry originated the code of knightly honor, and was permeated, sentimentally at least, with principles of courtesy and justice. It was indirectly promotive of the development of International Law by creating a universal comity among members of the knightly profession, and by securing the better treatment of slaves and captives, and the keeping of faith with strangers and enemies.

The most potent influence upon the early period of International Law was undoubtedly the Roman Church. As the political power of Rome declined, the Church grew into an organization of great central authority and influence, practically universal throughout Europe, and gradually assumed the imperial functions of the decayed empire, strengthened by spiritual pretensions that gave it command over every individual mind in Europe. The Roman Law, the greatest system of jurisprudence that the world has ever known, universalized and adapted in the Canon Law, continued its sway over the greater part of Europe. The history of the Holy Roman Empire records the absorption of the political power of its temporal head by the originally co-ordinate spiritual head, until the Pope came to be recognized as the embodiment of imperial

jurisdiction. He became the arbitrator of international disputes, and his representatives were the omnipresent agents of a united Christendom. The œcumenical councils were, in a sense, international congresses, which served to preserve the peace of Europe. With the breaking out of religious wars, in which Catholicism and Protestantism were arrayed against each other, and the consequent subdivision of Europe into Catholic and Protestant States, the papal influence in the settlement of disputes gradually subsided, and has now almost vanished from the earth. The necessity of securing international rights by other means than war, however, was undiminished; and the formulation of the principles of equity between sovereign States became the more imperative.

Where religion had failed, science was invoked, and Hugo Grotius, a Protestant jurist and publicist of great experience and noble genius, in 1623 published the first systematic work on International Law, under the title *De Jure Belli et Pacis*. The Law of Nations was based by Grotius upon the eternal principles of natural justice; but he was a profound student of the Roman Law, and his work may be considered as resting upon historical as well as natural foundations. His treatise has been translated into all languages, and "has elicited the admiration of all nations and of all succeeding generations." As Halleck has said, "Its author is universally regarded as the great master-builder of the science of International Jurisprudence."

2. It is easy, in the light of the foregoing sketch, to see what are the sources of International Law, although, as Leone Levi has said, "As it is now recognized, it is the creation of comparatively recent years,— the result of the combined influence of philosophy and ethics, religion and civilization, commerce and political economy, to say nothing of the action of accelerated means of communication, such as railways, steamships, and electric telegraphs."*

Following the order of certainty in the determination of what International Law at the moment actually is, we may say that its first source is treaties and conventions. As nothing can be internationally binding which does not have the *consent* of nations, voluntary and written compacts are the most certain and efficacious in securing rights. Whether or not these embody the highest conception of justice often depends upon the strength or weakness of the signatory powers which have given their assent

* International Law, p. 1.

to treaty provisions. Whenever the obligations are reciprocal, the presumption is that they are mutually regarded as just.

Another source of International Law is the judgments of international tribunals, or courts of arbitration. These may fairly be regarded as precedents which may be invoked by sovereign States, as municipal decisions are by individuals.

Still another source is to be found in diplomatic correspondence and other state papers as related to particular subjects of dispute. These are often inaccessible, being regarded as confidential and sometimes as containing state secrets. Most civilized countries now publish large portions at least of this class of documents.

Next in authority, perhaps, is the Roman Law, especially in those countries whose municipal codes are based upon it. In England and the United States — whose municipal law is influenced by English custom as expressed in the Common Law of England, and not so deeply affected by the Roman Law as that of the Continent — a tendency to reject its distinctive maxims has often appeared; and the text-writers on International Jurisprudence have, accordingly, been grouped into two schools, the Continental and the Anglo-American. This distinction is, however, now passing away; and text-books are approaching uniformity upon the cardinal principles of the Laws of Nations.

For the non-professional student of the subject, these text-books are the chief source of information; but they have only that authority to which the recognized ability of their authors entitles them. It is a notable fact that two of the most able and most widely accepted text-writers of International Law have been Americans, Wheaton representing the North and Calvo the South American Continent.

The decisions of municipal courts upon international questions and the municipal statutes of sovereign States are, of course, authoritative for these States upon the ground which they definitely cover; as, for example, laws relating to naturalization, extradition, neutrality, and piracy. As these differ widely in different countries, there rises the important branch of jurisprudence known as the Conflict of Laws, for which provision should be made in the formation of a code.

Lastly, to complete the sources of International Law, mention must be made of what may be called the Divine Law, which includes those ultimate principles of reason and those fundamental ethical conceptions upon which the whole system of human justice

finally reposes. Because it is the most general, it is the least certain as a source of definite prescription; for it is the *application* of these great principles, not their reality or obligation, that divides opinion and generates dispute.

3. The definite codification of International Law has been undertaken by several competent hands. In 1867 Mr. David Dudley Field brought before the British Association for Social Science a proposition to frame an international code. Mr. Field was personally qualified for such an undertaking by long experience as a codifier of municipal law. He produced what is in reality a complete treatise on the subject, although it bears the modest title "Outlines of an International Code." One feature of Mr. Field's code is the introduction of the principle of arbitration in the settlement of international disputes. His work attracted great attention in Europe, and has been translated into French and Italian. In 1873 he assisted in forming an international association for the purpose of reforming and codifying the Laws of Nations, with special reference to the substitution of arbitration for war. He had also been a member of the peace conference at Washington in 1861, and presided at the great peace convention in London in 1890.

The celebrated Swiss jurist, John Kaspar Bluntschli, famous throughout the world as a writer of works on jurisprudence, has also undertaken the preparation of an international code, published in 1874, under the title "Le Droit International Codifié."

In 1887 the same task was undertaken by Leone Levi, the well-known Jewish economist of London, whose work as a law reformer extends to other branches of jurisprudence. His book on "International Law" in the "International Scientific Series" is, in reality, a code, although it is designated in the sub-title as "Materials for a Code." Its scope is wider than that of Field or Bluntschli, who confined themselves to the natural portion of the Law of Nations. Levi includes also the positive portion, supporting his code with a digest of treaties. He also presents a plan for the settlement of international disputes, which will be considered in another connection.

None of the codes described above has been officially adopted by any nation, so that, in the technical sense, there is at present no absolutely authoritative code of International Law in existence. And yet it would not be correct to say that the Law of Nations is a mere branch of ethics or collection of moral precepts. Treaties

and conventions have created a body of definite and binding obligations which may be regarded as strictly legal in their effects. The time has come, however, when an international commission should be authorized to prepare a code; and this should be made binding by a general treaty among civilized States giving it authority as International Law.

II. The Methods of adjusting Differences.

It is evident that the mere existence of a body of rules and maxims recognized as applicable to international relations, however equitable and elaborate, is practically useless unless there is an efficient method of applying it to the conflicting interests and disputes of nations.

1. The first and most obvious method of adjusting differences is that of diplomatic negotiation. The right of legation is one of the oldest and best established of international usages. Embassies for making agreements and conventions with foreign powers were employed by the most ancient States, and in a rudimentary form are customary even among barbarous peoples. The extent to which a sovereign State maintains permanent legations in foreign countries is an evidence of its national importance and of its political wisdom. The idea of permanency of representation through ambassadors and ministers has grown with the development of means of communication, until it has become the universal custom of civilized States to maintain legations in all the countries with which they have intimate relations of trade or general intercourse. The mere fact that a State is thus represented often secures it against discrimination that would otherwise be exercised; and the value of a diplomatic agent consists less in what he may be able to adjust than in what he may be able to prevent. The diplomatic history of every country would illustrate the utility of the personal presence of a qualified representative at each of the great capitals of the world. This advantage, however, depends largely upon the intellectual, social, and linguistic qualifications of the envoys chosen. It is also seriously diminished by sending out diplomatic agents of lower rank than those accredited by other powers to the same government, thus condemning them to juniority and subordination in the diplomatic corps, and stripping them of the social dignity and influence which might be serviceable to their government. Still another impediment to this means of ad-

justment is a chauvinistic temper in the foreign office, where ignorance or discourtesy may cost a country valuable rights or bring upon it humiliation and contempt.

2. A second method of adjusting differences is that of voluntary or invited mediation by a third party. At the Congress of Paris, in 1856, the representatives of Austria, France, Great Britain, Russia, and Turkey recommended that "States between which serious disagreements might arise should, before appealing to arms, have recourse, as far as circumstances admit, to the good offices of friendly powers." This is a very moderate and highly qualified recommendation; but it indicates a growing love of peace and a sense of responsibility for war.

3. A third way of avoiding the sacrifice of national rights without incurring the consequences of battle is arbitration, which differs from mediation in the degree of judicial formality with which it is conducted.

Arbitration of disputes between governments was practised to some extent by the ancient Greeks; and it is thought that the Athenian Symmachy had from the beginning a common tribunal at Delos, where the treasury of the allied States was located. But the range of this method of attaining justice was certainly very limited in ancient times.

During the Middle Ages the Pope often intervened as arbitrator, and was frequently the referee of the ecclesiastical councils which deposed and excommunicated princes, settled questions of tolls and taxes, and decided rights of sovereignty.

Among modern States the application of arbitration has not been extensive, although Vattel about the middle of the eighteenth century commended it as a "reasonable and natural mode of deciding such disputes as do not directly affect the safety of a nation." About seventy modern international cases have been settled by arbitration, nearly half of them between the United States and other countries. The most important of these was the settlement of the Alabama claims against Great Britain. Provision for this settlement was made by the Treaty of Washington, in 1871, which provided for a commission of five arbitrators, before whom the case of each nation was argued by distinguished counsel. The commission rendered a decision in which both countries acquiesced, awarding an indemnity of $15,500,000 to the United States.

Distinguished sovereigns and military men have been earnest

advocates of arbitration, and able jurists have proposed plans for extending its application. General Grant once wrote, "I look forward to an epoch when a court recognized by all nations will settle all differences." General Sheridan said in a public address, "I mean what I say when I express the belief that in time arbitration will rule the whole world." According to Sir Lyon Playfair, the late Emperor Alexander of Russia was so impressed with the importance of the peaceable settlement of international disputes that "he rose from his bed in the night, and wrote a plan that all crowned heads should join in a conclusion to submit to arbitration whatever differences might arise among them instead of resorting to the sword."

On Oct. 31, 1887, a memorial, signed by more than one-third of the members of the British Parliament, and representing more than seven hundred thousand workingmen, was presented to President Cleveland, requesting his good offices in behalf of peace. The President sent the memorial to Congress; and on the 4th of April, 1890, a concurrent resolution was adopted by the Senate and the House "that the President be, and is hereby, requested to invite, from time to time, as fit occasions may arrive, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two governments, which cannot be adjusted by diplomatic agency, may be referred to arbitration, and be peaceably adjusted by such means." As Sir Lyon Playfair has said: "To the United States the lovers of peace look with hope and confidence that she will take a leading part in the promotion of peace by international arbitration. Her growth is the great fact of modern history. She is a country of boundless resources, and has shown that she can carry on great and successful wars, so that her intervention as a peacemaker could not be misinterpreted." *

We may now examine briefly the plans that have been proposed for a wider extension of this method.

(1) The plan of David Dudley Field embraces the following programme. When an agreement cannot otherwise be effected, a Joint High Commission of ten, chosen in equal numbers by the litigants, shall report within six months their efforts to reconcile their principals. This is merely preliminary. If they are unsuccessful, these parties shall give notice of the result to the

* *North American Review.*

other nations that have accepted the code, and the latter shall provide for a High Tribunal by the nomination of four persons each, from whom the contestants may eliminate, by successive rejections, those whom they do not approve, until the number is reduced to seven. These seven are to compose the court. The code provides for a compulsory resort to this procedure. If any State accepting the code shall begin a war in violation of it, the others are bound to resist the offending nation by force.

(2) The programme of Leone Levi proposes a Council of International Arbitration, to which each State adopting the code is to nominate a number of members selected from persons of high reputation and standing, to serve for a fixed period of years. The council is to be declared existent as soon as any two States have concurred in its organization. When organized, other States will be invited to nominate members. On the occurrence of any dispute between the States the council will call a meeting and offer its assistance. When the contending States have accepted the services of the council, this body will nominate some of its members, and each of the litigant States will nominate other persons, to form a High Court of International Arbitration for adjudicating the dispute; and the award shall be binding upon the States. The High Court shall be constituted with regard to the character and locality of the dispute, and shall exist for the one case only. Physical force is not to be resorted to, either to compel reference to the council or to enforce compliance with the award. The dispute, however, whether referred or not, is to be considered by the council; and its judgment is to be communicated to all the States represented by it. The council will make rules of procedure for itself and for the High Court. The seat of the council is to be a neutral city, such as Berne or Brussels. The cost of maintaining the council shall be borne equally by the concurring States, but the cost of the High Court by the contesting parties in equal shares.

III. The Means of enforcing Judgment.

The evident weakness of these plans of arbitration is their inefficiency in securing compliance with judgment when rendered. Municipal law is enforced by definite penalties, which are applicable by the executive branch of government. Both of the schemes just described for the establishment of an International

Court leave it absolutely powerless to enforce its decisions. And here it becomes evident that sovereign States differ essentially from any other parties at law, and this distinction is seen to lie in sovereignty itself. Here arises the most difficult problem in the task of instituting international justice.

1. A solution that has been many times urged, but which is practically as chimerical as it is ideally perfect, is the universal federation of States. Castel St. Pierre contemplated a perpetual alliance or league, of which all the States of Europe should be members. War was to be rendered impossible, except in case of revolution; and all nations were to be united as the guardians of peace. Jeremy Bentham, the great English jurist, toward the close of the eighteenth century sketched the plan of a General Congress consisting of two deputies from each State. Military establishments were to be reduced in some fair ratio, colonies were to be abandoned in order to eliminate a frequent cause of strife, and refractory States were to be put under the ban. A fixed contingent of troops was to be at the command of the Congress to enforce its decrees. About the same time the great German philosopher, Immanuel Kant, published an essay entitled "Zum Ewigen Frieden," proposing that no State should be merged by sale, exchange, gift, or inheritance in another State, that no State should interfere with the affairs of another, that standing armies should gradually cease, and, finally, that all States should adopt republican constitutions and enter into a confederation, conferring upon every man a citizenship of the world.

Such speculations are dreams rather than plans; and yet, when we consider that as late as 1818, Lord Ellenborough declared the right of English litigants "to settle their disputes by combat," it would be adventurous to predict the impossibility of equal advances in the social sense of nations. Still, it is hardly credible that sovereign States will in any way abridge their sovereignty by a mode of federation that would deprive them of independence. As Sheldon Amos has said, "The States of Europe do not at present wish to submit themselves to any central force, nor even to create such a force out of their own body by the most adequate representative system imaginable." And yet he feels compelled to add that all indications "point to the gradual elaboration among States of what may be properly called a supreme political authority. What form this authority will take," he continues, "it may be impossible for us, in this generation, so much as to guess;

just as the members of an early, spontaneously developing village-community had no materials from which to construct a notion of civil government in its later sense." *

2. Another proposed mode of securing the acceptance of the decisions of an international court is the voluntary disarmament of nations, rendering the resort to war less probable by diminishing the military spirit. A nation preoccupied with industry, devoid of military ambition, and temporarily unfitted to engage in military operations, it is argued, will be more readily disposed to accept a judicial decision than a State which is constantly prepared for war, influenced by the martial spirit, and confident of success in case of a conflict. This is undoubtedly true; but the fact is also an argument against disarmament to a State surrounded with enemies, and liable to be exposed to foreign aggression if its standing army is reduced.

There are, however, so many reasons for the reduction of military forces that a just convention based upon the plan of proportionate reduction would be an inestimable blessing to mankind. The enormous taxes required to maintain the standing armies of Europe, the abstraction of so many productive agents from industrial pursuits to serve in the army, and the constant menace to peace which military ambition inevitably offers are certainly good reasons for at least a relative disarmament of nations. But there can be little hope of this so long as the perpetuation of dynasties is esteemed a matter of importance, for it is on this account rather than for national security that standing armies are required. A general adoption of republican constitutions is a step in political evolution which must precede any considerable reduction of standing armies. This aid to the enforcement of the judgments of international courts belongs, therefore, to the future rather than to the present, and cannot be counted upon in the formation of immediate plans for arbitration. And so it becomes evident, since nations will not abrogate either their sovereignty or their means of self-defence, that reliance must be placed upon the moral and the social means of enforcing such decisions. As the movement is an ethical one, it is probably in every way best to attempt to advance it by purely ethical considerations, which have at least one great advantage,— that they appeal to what is best in men universally, and are most effective when they are addressed to the reason and the conscience in whose interest they are urged.

* Science of Law, p. 327.

In conclusion, the following plan of procedure seems to commend itself as not altogether hopelessly impracticable for securing to civilized nations the administration of justice without resort to the costly and frequently unjust arbitrament of battle: —

(1) The negotiation of a general treaty extended to all sovereign States willing to enter into it, but primarily adapted to the requirements of England and the United States, having for its sole object the establishment of an International Court, and requiring no other signatory powers to give it effect than the two named above.

(2) The appointment of an expert commission by the powers accepting the treaty to codify in separate codes the Laws of Nations, (*a*) as a body of rational jurisprudence or abstract justice, and (*b*) as a body of positive law now existing in treaties and conventions.

(3) The adoption of a plan for the formation of a permanent international court, with jurisdiction covering all forms of dispute between the contracting nations which do not involve the sovereignty or independence of these States.

The international court should of course be constituted upon lines to be determined by a representative commission of experts after the most deliberate discussion. The following propositions, however, seem to be sufficiently well established to deserve the respectful consideration of such a commission: —

(1) *All the sovereign States having a part in the treaty should have an equal number of representatives in the court.* This follows directly from the sovereign character of the States which may be signatory to the treaty. To apportion representation would abolish equality before the court. The principle has been recognized in the formation of our Senate, in which Rhode Island and Delaware have an equal number of senators with New York and Pennsylvania, although the former are comparatively insignificant in territory and population. The questions adjudicated by a court are not questions of power, but of justice; and a small State may have as good a cause as a great one.

(2) *The judicial office should be held for life, providing for removal in case of corruption, incapacity, or extreme old age.* This would render possible the creation of a judicial body minutely conversant with International Law, precedent, and political history, and at the same time would place the court above selfish considerations.

(3) *The court should have jurisdiction over all cases not affecting the autonomy of the contracting States.* Provision should be made for private as well as public redress, under proper conditions of preliminary attempts at mediation. All questions affecting the autonomy of States should be beyond the jurisdiction of the court, otherwise it might become the medium of depriving States of their sovereignty; and the suspicion of this would make the establishment of the court impossible.

(4) *The court should sit in a neutral territory.* This would facilitate justice by rendering impossible, or at least difficult, the attempt to influence the court by public opinion or otherwise. Both Switzerland and Belgium are neutralized by existing conventions; and one or the other could be chosen, as the character of the case might require, for the holding of the court.

(5) *The transactions of the court should be open and public, and all its proceedings should be recorded and published.* Justice is fond of the light, as injustice is of secrecy. A greater care is taken in reaching a decision when all the grounds and conditions of it are universally known.

(6) *All petitions, pleadings, and decisions should be in writing.* This accords with the practice of the highest courts, and rules out ambiguity of statement, the effect of personal influence, and appeals to the feelings, while it conduces to precision, deliberation, and permanence.

(7) *Refusal to submit to the court a case within its jurisdiction, or to comply with its decision, should be followed by the permanent exclusion of the offending State from its privileges and protection.* This is a provision of the utmost importance, for it will solve the problem of enforcing the decisions of such a court. In effect, it outlaws the lawless. It presents to every State a choice between obedience to the code and deprivation of its obvious advantages. The effectiveness of this provision undoubtedly depends, in a great degree, upon the extent to which the code is accepted; but it cannot be doubted that, if the most powerful nations were united under the jurisdiction of the court, it would become a moral impossibility to refuse or violate its requirements.

When we consider how jealous the German and Italian States were of one another, and of any supreme authority, much less than a century ago, and follow the history of German and Italian unity to its present consummation, we learn two important lessons. The first is that, when the ambition of monarchs is checked by consti-

tutional limitations, wars become less easy and frequent; for the people are able to restrain public ministers from courses of conduct hostile to the welfare of the masses. Another lesson is that, with the growth of popular intelligence, traditional claims to sovereignty fade into smaller proportions and less flaming colors, and industrial and commercial well-being becomes the prime consideration of statesmen. We may, therefore, confidently expect that, with the development of constitutional government and experience of its benefits, there will follow a gradual breaking down of those merely local conceptions of sovereignty which are so powerful in the cruder states of society; and universal equity, secured by legal institutions, will continue to become dearer to the minds of men. The law of political evolution seems to be that larger areas and populations tend to be unified under homogeneous constitutional forms, whose inner analogy or hidden identity is ever becoming more apparent. To the vision of the poet there has already appeared "the parliament of man, the federation of the world." Such foregleams of coming events are never realistically accurate; but the spontaneous activity of the imagination is always controlled by the existence of elements that are about to combine, not indeed as in the dream of the poet, but according to nature's own law of change and progress.

All that has yet been said or written upon this great problem probably constitutes little more than the rude scaffolding of that great temple of international justice whose dome will yet shelter the nations of the earth from the wrongs of oppression and the horrors of battle. But its foundations are laid in the moral nature of humanity; and, although—like a vast cathedral grown old with passing centuries—it is still uncompleted, we may bring our unhewn stones to lay upon its rising walls, in the faith that its invisible Builder and Maker will shape them to a place in the permanent structure.

2. LEGISLATION IN ITS RELATION TO JURISPRUDENCE.

BY J. WARREN GREENE, ESQ., OF BROOKLYN, N.Y.

[Read Thursday, September 3.]

An important source of confusion and annoyance to the practising lawyer, and of distress to all persons, is found in the acts and the actions of the various legislative bodies in this country, from Congress down through the legislatures of the different States, to the low-lying regions of our municipal boards of aldermen and common councils. These various bodies each year inject into our system of jurisprudence a mass of enactments, most of which are ill-conceived, nearly all of which are crudely drawn, and many of which are difficult, if not impossible, to reconcile with each other and with the remaining general body of law.

At the time when our present government was in process of formation the large-minded and thoughtful men who were principally responsible for the final form which was adopted were much concerned in providing checks against what they conceived would be the greatest future danger to our institutions; namely, the ambition or the incompetence of those who should be intrusted with large administrative powers. It seems to have been almost universally believed, or at least feared, by our fathers, that a president or a governor or a mayor, or any other high administrative officer, would naturally and inevitably, upon taking office, be disposed to use his official powers in ways that were inconsistent with the rights and liberties of the people,—that he would be tempted to magnify and perpetuate his office in his own interest, and as rapidly as possible reduce the people to a condition of dependence upon him, and become in effect, if not in name, a king or an emperor or a dictator. They had indeed, before their eyes and in their remembrances, many examples tending to justify that fear; and they had just emerged successfully from a life-and-death conflict with most hateful tyranny, as exemplified to

them in the king of Great Britain. It is not strange, therefore, that they should have been deeply impressed with the temptations incident to high office, and with the dangers to which their liberties might be exposed from persons entrusted with the responsibility and power of administrative office.

The remedy which they provided against the dangers that they foresaw seemed to them entirely adequate, and their reasoning from premises, the correctness of which they assumed, was wholly logical; but time and experience have shown that the premises were partly false, and that the remedy provided was not altogether adequate.

Their argument seems to have run somewhat as follows: Individuals are not to be trusted with large discretionary powers. The people, as a whole, desire to manage their public affairs in a manner which will serve the public welfare, and have the wisdom required for that purpose. It is necessary, however, that individuals be employed to conduct the administrative functions of government; but, being, as individuals, unworthy of trust, it is also necessary that their powers should be limited and kept within the control of the people as a whole. Therefore, we will place over our administrative officers a body of representatives, chosen directly from ourselves, who will guidé them in doing right and prevent them from doing wrong, and who shall have, by delegation for those purposes, the entire power of the people as a whole, subject to certain constitutional restrictions.

The practical outcome of this wisdom (and it was indeed wisdom) is very different from what was expected. During the century and more of our life as a nation we have at times seen our presidents, our governors, or the mayors of our cities, attempting to do something that might, if unrestrained, seriously interfere with our rights or our liberties; but these attempts have always been fruitless, not so much from any direct opposition of our representatives as from the great popular opposition which they aroused. We have, on the other hand, frequently seen our various so-called representative bodies doing or attempting to do acts that were a menace to individual and corporate rights and liberties. We can recall numerous occasions when the people of the United States have felt that the preservation of their most important interests, and even of their national honor, depended wholly upon the power of the President, by his veto, to bring to naught most destructive measures that had been passed by Congress;

when the people of our various States have similarly found themselves relying only upon their governors for salvation from iniquitous bills passed by our legislatures; and it has come to be the normal condition of the citizens of most, if not all, of our important municipalities, to live in dread of what their boards of aldermen may do, and to look to their mayors to save them as far as possible from the evil purposes of their own duly chosen representatives.

The belief of the fathers of our republic was—and, as a piece of *a priori* reasoning, it was unanswerable—that the aggregate representatives of small districts, chosen freely and directly by the people, would necessarily and inevitably represent the aggregate intelligence and morality of the whole people, and that it would be impossible at any time that an assembly so constituted could have a clear majority that would represent anything but the best thought and tendencies of the people as a whole.

Our actual experience, however, has taught us to distrust and dread our popular assemblies rather than our administrative officers. We incur great expense and trouble every year in choosing representatives to act for us in matters pertaining to the general welfare. We provide large sums for their support and assistance while engaged in the public business; but, immediately upon their assembling, we retain lawyers and employ private agents, and hold imposing mass meetings to prevent them from doing us injury, or to dragoon them into taking action that is universally demanded by the people.

In very important respects our legislative bodies have failed to meet our reasonable expectations. In that branch of our government there has been and is a most conspicuous failure of our institutions; and to such an extent has this fact impressed itself on our people that most strenuous efforts have been and are constantly being made to curtail the powers and to limit the field of action of these bodies, so that they may do the least possible harm, and to increase the powers and functions of the important administrative officers, so that they may be a check upon the extravagances and follies of our legislative bodies.

Of course, this is a very deplorable situation; and the explanation of its existence must be either that our people have become largely corrupt, and that their legislative bodies fairly represent the aggregate character, or that the people have, through indifference and neglect of their political duties, allowed a class who do

not fairly represent the people to become predominant in public affairs. I prefer to accept the latter explanation, and to believe that the time will come, and indeed is at hand, when our consciences shall be so pricked as to compel us to take such a part in the primary and preliminary affairs of politics as shall result in the selection of truly representative men for public office.

No argument is necessary to enforce the proposition that a law-making body, composed of men who are neither wise nor honest, who are endeavoring to act not for the public good, but for their own advancement, is a serious menace to our best interests in every way. The misfeasances and the malfeasances of our legislators affect us in all our relations, but the department in which perhaps the evil is most grievous is that of the administration of our public and private laws. In other respects the positive effects of bad legislation, or the negative effects of a failure of desirable legislation, are temporary and local; but a bad or ill-digested law injected into our general system of jurisprudence is far-reaching and lasting in its effects. It overturns old and well-understood precedents, and provides a new rule, whose effect and meaning cannot be understood until after years of litigation. Even if, as has not infrequently been the case, an obnoxious statute is promptly repealed, there still remains the period during which it was in force, through which all transactions are subject to its mandate; and many questions arise which perplex the most astute lawyers and the most conscientious judges, and afford justification for the unfortunately too prevalent opinion among the laity that "the law is an ass." And, worse than all this, is the weakening of the foundations of our jurisprudence, upon whose stability depend the prosperity and happiness of our people more than upon any other single institution; the substituting for a body of law which should remain firm and coherent, and free from sudden or hastily considered changes, of a fluid mass subject to constant change and to all the uncertainties incident to frequent alterations.

A system of jurisprudence, like other human institutions, in order to be of any real use, must be a growth. In other words, it must, on the whole, conform to the customs and usages, the ideas and modes of thought, and even to the prejudices, so far as they are general, of the people living under it. It must expand with their progress, and adapt itself to new conditions as they arise or are imported from the outside. And in this characteristic lies, at least

in the minds of all English-speaking people, the great superiority of the common law over all other systems, many of which are on their face more logical, if not more philosophical. I think it may be truthfully said that the codes which have been prepared by learned and philanthropic men, except those which are compilations of existing laws, have been utter failures. Many of them have been ideally excellent; but they have assumed a condition of society which has not yet been attained, and a mental and moral attitude of individuals which does not yet exist. Their provisions were good; but men had not reached that height of virtuous aspiration and self-restraint which would enable them to appreciate or to practise the rules provided for the regulation of their conduct. In all matters of government a very important consideration is the satisfaction of the governed with their laws and institutions. A system of government, however admirable in its conception as an abstract proposition, is only evil in its practical application to a people who are made miserable by it. We pity the wretchedness and the misery, as it seems to us, of savage and half-civilized peoples, due to the oppression of their forms of government; but they would undoubtedly be made vastly more unhappy than they are now if they were suddenly compelled to subject themselves to the laws and customs which have been dear to us for generations.

Growth and progress along natural lines is the destiny of the human race, though different nations are seen to have widely-differing capacities in this direction; and the existence of a beneficent system of jurisprudence is at once a proof of high progressive capacity in the community which evolved it, and an important aid to further progress. A marked capacity for growth and expansion, and for adaptation to the varying needs of a progressive people, is a strong feature of the common law; and it was natural that a people blessed with the sturdy physical, mental, and moral characteristics which were given to the English race should have invented or adopted or grown into such a system, and should have developed it, and have been simultaneously developed by it.

There is a theory, based partly on fact and partly on fiction, and which was, in an earlier period of our race, more prevalent than now, though still to some degree existing, that there are certain eternal and immutable rules for the government of human action, comprehensive enough and exact enough to cover and touch the whole of life and every relation between man and man,

and that the only thing necessary for complete satisfaction and happiness is a universal wisdom sufficient to comprehend these rules, and a universal will sufficiently strong and sufficiently just to apply the appropriate rule to each exigency as it arises. All the evils incident to human existence are thus due either to ignorance of the proper rule of conduct in any given case or to an unwillingness or inability to apply the rule. The theory further assumes that the judges appointed to administer the law know these rules and principles, and are able to apply them in cases coming before them, where the litigants themselves are too ignorant or too selfish to do so unaided. It is not of course maintained that the judges have actually learned all this wisdom in the sense that it could be rehearsed by them, nor even that they are always able to state, in a case not officially before them, what particular rule is applicable; but sitting on the bench, with the insignia of office upon and about them, they are or become gifted with an insight and a knowledge that enable them to dispose correctly, both as to rights and remedies, of each case as it is presented to them. This fiction was and is probably believed as a fact by many. At all events, it has been accepted and acted on by all; and a principle finally enunciated by the court of last resort is recognized as established, and as partaking of the immutable qualities of the laws of the Medes and Persians.

The astute minds of our jurists, it is true, find means from time to time to change the effect of decisions which are clearly wrong, or which in the course of time and the progress of the nation become obsolete and inapplicable to existing conditions. These changes, however, are seldom made by directly overruling the former decision, but rather by distinguishing facts and circumstances and finding differences and inventing new remedies, so that the body of law as it has existed at any given time has been kept fairly abreast of the customs and habits and pursuits of the people.

In this way the English system of jurisprudence which we have inherited was mainly built up; but as the nation expanded, and as the interests and relations of the people became more varied and complicated, embarrassments and difficulties naturally arose. The reluctance of courts to overrule old decisions which had become harsh or unsatisfactory in their operations; the difficulty in many cases of making distinctions which, while theoretically acknowledging the old decision, should practically ignore it; the complexity

and confusion which finally grew out of decisions which were supposed to be in harmony, but which in fact were irreconcilable with each other; the arising of wholly new conditions and relations,— all these demanded some corrective which was beyond and above the courts themselves, and which should recognize that judges were neither universally wise nor always officially inspired. This need was filled by the legislature. That, being omnipotent, could go to the root of the difficulty, and without circumlocution or fiction abrogate or alter or add to the established rules, and enact a statute that in the future should be the rule and the law. In this way judge-made law has been changed and supplemented, sometimes wisely and often unwisely.

I do not of course intend to assert that the building up of our system of jurisprudence has proceeded by clearly marked and well-defined stages upon the lines above mentioned. The operations of custom, of judicial decisions, and of legislation, have progressed side by side; and these have dovetailed into each other, so that it is impossible to say that at any specific time, after we had acquired what could be termed a system of jurisprudence, it was wholly the result of judicial decision, and that at some later definite period the legislative power took hold of it and moulded it into different form. But, in a general sense, the progress of our law has been: *first*, a growth of customs which have at length come to be generally understood and observed; *second*, a crystallization of these customs into obligatory rules of law through the decisions of courts; *third*, changes effected by the courts themselves by a process of discrimination and by the invention and application of new remedies; *fourth*, the reconstructive power of statutes passed from time to time to remedy the inconveniences of existing rules in particular branches of the law; and, *fifth*, the more extensive and comprehensive legislative process called codification.

I think we can see in this process of evolution an orderly growth, and find a reasonable explanation of the high rank which the Anglo-Saxon race has attained among other peoples, in the fact that it has had the wisdom or the good fortune to make its progress or to allow it to develop along natural lines intead of having its laws imposed on it from some outside source. The first process tends to develop a sturdy, self-reliant people, who know and prize their rights and liberties: the second naturally produces a dependent race of men, who know not how to act except as they are told, and who frequently do not understand the reason of the

laws under which they live or how they are benefited by them. The proper relation of statute law to the general system of jurisprudence also becomes clear. The latter should be, in its essential form and character, the product of the accumulated experience and best aspiration of a community. In the main, it should be the useful customs and reasonable desires of the people, understood and approved by them, and from time to time declared by the courts after careful consideration and deliberation. Legislation should be the last resort. Its attitude should be one of wise self-restraint; and the common law should be interfered with only when it has become clear that a real and a universal necessity exists, and then the subject in hand should be dealt with wisely and deliberately, upon a full knowledge and consideration not only of the precise change that is required, but of how the proposed change is to operate upon other parts of the legal system.

Unfortunately, this method has not always been pursued; and, still more unfortunately, our legislatures, especially in recent times, have not always been competent for such a task. The constituent members have been intrusted with large powers in respect to making and changing laws and the law; but they are always under great temptation, either from vanity or self-interest, to meddle with affairs which would much better be left alone, and too frequently they have not the mental or moral calibre to put into practical form measures which are really demanded, and which, if properly conceived and executed, would be of great public benefit.

This does not mean that legislatures should be abolished. They are a necessary part of our system of government, and even incompetent legislatures have their indispensable uses; but, when we consider the important functions that they are intended to perform, the great aid they might be to the community, and then see how far short their practices fall of their privileges and opportunities, we cannot escape the conviction that a decided reform is necessary.

Under our form of government there are but two methods of guarding against the corruption or the vagaries of legislatures. The first, which is but a partial remedy, is by limiting their powers by constitutional provisions: the second is radical, and consists of electing only such legislators as will voluntarily do such things as they ought to do, and leave undone such things as they ought not to do,— men of character and wisdom and experience and disinterested patriotism.

The application of the latter remedy implies perhaps a more enlightened and a more seriously patriotic people than now exists; but I am convinced that the problem of civilized government must be worked out and find its perfect solution along these lines. The tendency in all civilized countries is strongly — nay, irresistibly — in the direction of self-government. This form has already been adopted more or less fully in most of the civilized nations, and its extension and development are constant. It is not likely that there will be a return to discarded and obsolete conditions, but rather that progress will be steadily toward a more complete and effective democracy, and that people will — nay, must, however painfully and unwillingly, with many a fall by the wayside, through many trials and tribulations, perhaps after catastrophes of which they do not now dream — learn such self-restraint and wisdom, such unselfishness and patriotism, and such devotion to duty as will produce indeed great nations, in the truest sense capable of rational self-government.

A brief debate followed the paper. One speaker having dwelt on the evils of legislation, which he ascribed to unrestricted immigration and naturalization, Edward L. Pierce of Milton, Mass., declared that in the Republican Party, to which he belonged, there were evils of the same sort that could not be ascribed to the foreign vote, but to the political machine. He instanced the case of his own congressional district, once represented by John Quincy Adams and Horace Mann, which now has in Congress a political adventurer, who by his own admission, in a libel suit brought by himself, had been guilty of misconduct in a public office which ought to exclude him from all elective positions, yet who is now an active candidate for re-election and has the support of many Amercan-born politicians. He also gave an instance in Massachusetts where a new divorce law had been passed to meet the single case of a husband whose wife had deserted him to join the Shakers. Joseph Lee of Boston urged the payment of higher salaries for judges and other officials, which Mr. McKelway of Brooklyn did not think would meet the difficulties of the existing situation. "We cannot," Mr. Sanborn said, "make judges or legislators honest and wise by simply bribing them with high wages."

3. MODERN MUNICIPAL REFORM.

BY ST. CLAIR M'KELWAY, OF BROOKLYN, N.Y.

[Read September 3.]

Mr. Chairman and Friends,— Reform has come to stay. There are so many kinds of it that they perplex the mind. They range over a wide area. They affect every department of life. They relate to economic as well as moral problems. They comprehend home and household interests quite as much as national or international matters. The multitude and variety of them are attested by numberless addresses and essays. In fact, reforms, or what claim to be reforms, crowd without number for a hearing to the front. This is an age of reform, and this a nation of reformers. It is impossible to keep abreast with all the reforms or supposed reforms which appeal to mankind. It is well to be patient with all of them, and cynical toward none. The true will be readily told from the half true or the false. Time and dominating common sense can be trusted for that. But in all of them there is hope. Every one of them is a proof of salutary unrest. The effect of every one of them is to stir thinking. A thinking age and a thinking people are always to be welcomed. It is only stagnation that is to be dreaded. Not until the waters of the pool were troubled did their healing properties appear. The fact is propitious that with the word "reform" any man can gain a hearing by which the reality of his grievance, the adequacy of his remedy, and the sincerity of himself will be tested. Ill would be the time when reform should be decried, when content should be preached, when benumbed acquiescence in wrong as a fate, in disparities as a condition, and in submission as a practice should be counselled. In the restlessness of our people is the hope of their progress. In their inquisitiveness, in their inveterate resolution to probe, in their irreverence toward fixities, in their rejection of philosophical finalities, statesmen and publicists see that our system of government is alike the most uncomfortable and the most desirable on the face of the earth. It is uncomfortable because the social orders are not settled, and because men and women will not agree

to the prayer that they should learn "to be content in that state of life to which it hath pleased God to call them." They would have each to-morrow for themselves and for their children better than to-day. Not the frozen permanence of inertia, but the continual pace of progress, is their aspiration. Not passivity, but promotion, is their ideal. This may make them self-assertive, but it keeps them free. It may make them loud, arrogant, and aggressive; but it never makes them slaves. They do not believe that any divine fiat or social fate or government decree arrests their right to grow or confines them within an impassable environment. The bristling and uncouth sides of this temper or habit make our American life rough and realistic. But the spirit within such temper and habit enforces accountability, indictability, punishability, and changeability, whether on creeds or parties, platforms or governments, courts or cabinets, journalism or literature. "Finished" is written against nothing among us. "Ended" is inscribed against no aspiration for betterment here. Therefore it was that George William Curtis finely and truly said, "America is a country in which all reforms are possible."

Reform which begins at Home.

Upon one of these reforms we are to confer at this time. In final term, municipal reform is at home. It is reform of ourselves and by ourselves and for ourselves. That is not so easy as to reform others. It is not so satisfying as indignation at remote sins. Every one here could fluently indict any government other than his own. The wrong-doing of our officials and law-makers at Washington is more keenly exposed at Tacoma than at Baltimore, or in either Portland than at Alexandria. 'Tis distance lends intensity to wrong. The rule holds good in criticism of municipal conditions. No New Yorker unreservedly praises his own government, but he is certain it is better than that of Chicago or San Francisco. No Albanian entirely approves of his home administration, but he absolutely pities the deplorable fate of the people of Rochester and Buffalo. Nor is the proposition confined to criticisms of rule. The new sectionalism which is springing up in our land thinks of itself more highly than it ought to think, and berates the other sectionalism more severely than it deserves. The East and the North contemptuously contemplate the West and as cynically characterize the South. They in turn thrust the tongue

of derision into the cheek of distrust and detraction toward the other sections. Our politics are becoming as self-conceited and as defamatory as our estimates of the derelictions of officials, of the mistakes of judges, and of the errors of legislators — at long range. The practice makes every citizen a critic, and a confident one. It substitutes passion for justice. It displaces charity with censoriousness: it crowds out reason to make room for rage. And it powerfully reduces attention to municipal reform.

To that reform let us bring back our minds. It may enable us to carry out Carlyle's advice to one who came to him with a prescription for all the wrongs of the world. "Go home," he said. "Go down on your knees. Confess your sins. Get pardoned if you can. Then rise, thankful that there is one who is a little less of a rascal than he was." My private opinion of Carlyle is that he was an insane sycophant toward any power much greater than his own, and a cruel employer, against those below him, of the immense forces of thought and statement which he himself had and hurled. He could hardly have been an agreeable man to live with, and the record of those who lived most with and nearest to him sustains this estimate. He was undoubtedly simply brutal in his language to the budding optimist, whom he crushed with the sentence quoted. Nevertheless, there is that in the sentence which sounds the key-note of municipal reform. If we get ourselves right, that will help us get our neighbors right; and it will help them and us get more neighbors right. If all of us together can thus get right, from one of our number may be evolved an honest and competent alderman. A few such aldermen could hold the balance of power in that legislature of the locality which we call the city council. Such a balance of power would sustain an honest and capable mayor or neutralize a mayor of another sort. If we reflect, however, we shall find that our aldermen, who ought to be the express image of ourselves, are those whom we are most proud not to resemble. This is due to the fact that municipal reform is lost sight of in the wish to improve Congress, to save the presidency, to build up the legislature, or to straighten out the governorship. The tendency cannot be eradicated by denunciation. Mere exposure of it will not cure it. The cause must be found, and, if possible, removed. The cause is in the notion that, for some reason, our aldermen and our mayors must be chosen on the same lines that our Congressmen, legislators, governors, and presidents are. If that is true, municipal reform

as a continuous fact can be dismissed from hope. It may occasionally come as a protest against the excess of municipal evils. It cannot be made the habit of a people.

Now is a municipal party solely for municipal purposes, organized and conducted on municipal lines alone, and pledged in the event of success to administration on those lines alone, possible as a permanency in our American cities? Such an administration is a fact in no American city at the present time. All municipal reform administration has been occasional. The duration of only one that I recall has lasted through two terms. That one and those elsewhere, with but half its life, have been followed by a return to local administration upon political lines. And that result has commended itself to a vast preponderance of the voting multitude. The result has been deplored by moralists, regretted and condemned by reformers, opposed and pilloried by preachers, and sternly rebuked by independent newspapers. Nevertheless, the result has occurred; and it is the rule, while municipal reform on non-political lines has been the exception. Let us look a little deeper. Has there ever been a purely municipal party formed in any American city for the purpose of contending before the people for the possession of the government of that city, on purely municipal lines, and for purely municipal purposes? The inquiry obliges us to be personal in statements and in allusions. We are all apt to think that the honored New Yorker and more honored Brooklynite, Seth Low, was twice chosen mayor of Brooklyn, without regard to political nominations, and that he administered his mayoralty on non-political lines. We are superficially prone to think of the present original and excellent mayor of New York City in somewhat the same way. What are the facts? And what are the facts with reference to the election and administration of Mayor Schieren of Brooklyn? They can be set forth, I think, in a manner neither to challenge denial nor arouse bad feeling.

Some Reform Instances rightly stated.

Preceding the elections of Messrs, Low, Schieren, and Strong was a long period of the administration of their municipalities by a political party which admittedly was in a strong majority in the cities. The strength of its majority made it confident in battle and reckless in power. It naturally became careless also in the

selection of its candidates for local places. Among the consequences were feeble executive administrations, corrupt local legislation, contracts for public works which enriched those who obtained them and which gave bad results as all that the people got out of them, swollen tax bills, ill disguised by artificial valuations of property, and the creation of a ruling and semi-royal class of habitual place-holders or place-mongers, replete with money which they neither earned nor inherited. The people were not only plundered, but offended. They might have stood the robbery,— the per capita proportion of that was not large,— but their pride was wounded as well as their pockets. They felt degraded by the protrusion and self-perpetuation of coarse and objectionable creatures in public view. They might not be represented by their best. They revolted at being represented by their worst. Revulsion played a large part in the revolution they wrought. They swiftly extemporized the methods of redress. They found one party an offender. They made the other party a flail. They could not, however, rely on the latter party alone. It was not strong enough to beat its adversary. It had to be re-enforced by recruited righteousness. That righteousness had to be recruited from the party in power. A secession from sin in that party was converted into a force for reform in conjunction with the political organization ordinarily in the minority.

Thus was accomplished a condition that had to be jealously safeguarded from the abuses to which coalitions are always liable. In this, however, strictly speaking, was no example of a municipal party on municipal lines and for municipal purposes. The outcome showed this. In Brooklyn the initiative of the nomination both of Mr. Low and of Mr. Schieren was traceable to independency, which, however, could only suggest their names with those of others to the party ordinarily in the minority. That party formally nominated them. Its independent allies heartily supported them. Both were elected, Mr. Low twice, and both made excellent mayors. But between their elections ten years passed, and those ten years measured a new period of municipal administration on purely party lines. Nearly ten years of poor or bad government was necessary to create the condition for Mr. Low's election. Quite ten years of partisan government, with abuses that need not here be set forth, followed; and they were necessary to the conditions which called for Mr. Schieren. At the close of the latter's term, partisanship without qualification reasserted

itself and rules to-day. Immediately following Mr. Low an experiment was made on the patriotism and gratitude of the strictly political organization which the independents had supported when he was a candidate and which their support had crowned with success. The experiment involved the proposition that, as all independent Democrats had supported and elected an independent Republican twice, the Republican party should support an independent Democrat once. The proposition was rejected. The party named went back to party lines again, and was defeated by the adversary whom, by reform aid, it had driven from power.

Municipal reformers from this learned some truths. They learned the difficulty of expecting a reform habit from a reform spurt. They learned the equal strength of partisan feeling in each political organization. They learned that the alignment of men by party lines in civic elections was as deep and hard and tense as their alignment by those lines in State and national elections. Some of them even learned to doubt whether the frequent assertion that municipal elections have nothing to do, or should have nothing to do, with party politics, is in itself true, or, if true, can ever be made apparent to populations stirred every two years by State and Congressional elections and every four by national elections. The excellent results of the administrations of the two men named cannot be questioned. They gave a broad and bright instance, in several respects, of government as it ought to be. So is Mayor Strong, in several respects, giving such an instance now. His nomination and election were secured by the same means which governed in the choice of the two mayors of Brooklyn who have been named for illustration. One cannot, however, regard their elections as other than political events in a municipal field, or as municipal choices by political methods. They were not chosen by a municipal party on municipal lines. They were the product of politics in municipal manifestation. The contrary is generally assumed, because it is often declared. The assumption is, therefore, natural; but the declaration on which it is based is loose and wide of the mark. Nothing is more provable, and it can be said that nothing is more significant, than the fact that Mr. Low was twice the nominee of a political party, and that Mr. Schieren and Mr. Strong were both formally nominated by their political parties. It is to the credit of all of them that they would have declined a party nomination if it had not been backed up by independent support and indorsement. But those independent

allies themselves acted on organized political lines, and the men named were really the recipients of a series of political nominations rather than exemplars of the proposition that such nominations should not count and should not be made in civic contests.

Nor can these magistrates themselves be charged with superiority to the conditions under which they were made mayors. That is shown by their appointments of heads of departments. Those appointments were proportioned in number to the estimate which each mayor cursorily reached of the differing strength, and, therefore, of the differing "claims" of the various forces which contributed to the nomination and election of himself as, so to speak, a composite or a composition or a coalition candidate. The estimate may or may not have been accurate. That is unaffected by the fact that, accurate or not, it was a partisan estimate. The appointments thereunder were partisan appointments, whether the net result be called a partisan a bi-partisan, a tri-partisan, or a quadri-partisan use of the appointing power. Partisanship need not be one-sided. It is made more rather than less by diffusion or transfusion. Nor should it be forgotten that every important appointee of each of these three mayors was a supporter of his nomination and election, and that he would not have been appointed, had he been an opponent. Of course there was support plus fitness, plus standing, plus character, and the like. But such fitness, standing, character, competency, indeed, special proficiency or expertness, minus support, would not have secured appointment.

This is brought out not for criticism or disparagement, but to illustrate that a full and fair trial of the divorcement of politics from municipal administration is not supplied by the creditable and meritorious administrations which have been cited. To proportion appointments among parties is only a different form of partisanship from that pursued by a party limiting its choice to its own members. To confine cabinet rewards to supporters alone, chosen from among a series of co-operating parties, is essentially the same as to limit those rewards to supporters in one party alone. The principle is identical. An advantage to the public service was gained by the improved standard of capacity and of character exhibited by the men selected. A conspicuous advantage in administration followed. Government which was found bad was made better. Plunder ceased. The graver evil of that offence to the general sense of propriety, which the incumbency of coarse and objectionable creatures produced, was brought for the time

to an end. As administrations, those under present review can hardly be too much praised. As illustrations of the divorcement of politics from municipal rule, they cannot be cited. Politically, they differed from other municipal administrations in the extension of the doctrine of rewards from one party to several.

Grand Constitutional Helps secured.

Is municipal reform the correction of abuses in city government and the securing of capable and honest administration in our cities? Or is it the substitution of municipal parties, or of a municipal party, for political parties in civic elections? Much depends upon which of these questions your preference is placed. It is not impossible to accept both. They are not incompatible with one another. The first result suggested might be secured by the course outlined in the second inquiry. But the first result can be secured and has been secured, as we have seen, by the application of party nominations to city elections. The course outlined in the second question has been pursued, if ever, very seldom in the United States, and, if anywhere, in some other cities than those popularly miscredited with having tried it. I know that scientists and reformers fondly dream of a time when municipal parties will displace political parties, or when a municipal party will displace political parties in city elections. I know that something toward the realization of that dream was gained when, in our present State constitution of New York, commonwealth, Congressional, and national elections were so taken into account that municipal elections were timed to occur in other years. Much is expected from this constitutional change. It is a great step forward. It puts constitutional approbation upon the proposition that municipal elections should be separated from elections purely political. It puts a constitutional reproach upon the proposition that municipal elections should be concurrent with political struggles. It places the contention that politics should enter into and determine municipal elections upon the defensive. The moral effect of this ought to be great. But the initial effort of an entirely municipal party for entirely municipal purposes has yet to be made.

One thing is certain. The constitutional change already obtained will not be rescinded. Reforms may not always go forward. They may for a while stop, but they do not go backward.

This one will stay. It may become dry bones or it may become life. That will depend on whether the breath of purpose and of courage enters into it. It will survive as a recourse or as a rebuke, according as it is made available or ignored. Another thing is certain. The separation of municipal elections from State and national elections was not made merely for convenience in time. It was made because the conscience of the people realized that the two elections should be separate in time, for the reason that they are separate in character; and, being separate in character, they should be conducted on different lines or principles as well as at different times. This change was not made to please or to disembarrass the professional politicians, but to incommode and to bother them. Many a bad mayor has been chosen lest, by defeating him, a governor should be beaten or a Presidency put in peril. Many a bad controller or auditor has been elected lest, by defeating him, a legislature might be lost and a United States senatorship with it. The proposition that party evils must be locally condoned, else State supremacy and national power will be put in jeopardy, has been plied by either party in turn, and often by both at once. There has been much in the proposition. It has come down heavily on the conscience or the pride or even the patriotism of thousands and millions of voters.

In our own State that proposition can no more have sway. Hereafter our local elections will be unmixed with collateral considerations or ulterior consequences, except as the politicians may be able to say that, if our cities on city matters vote independently, the State and the nation may desert the party at the ensuing election. That, however, is a shadowy and flimsy sophistry. "One election at a time" is a great gain, and it is a great fact. People will be able, after a while, to estimate that at its true value. The début of this new constitutional power and mandate in these cities of our State will come in 1897. Then neither governor, nor President, nor Congressmen, will be elected. Then in our cities attention can be concentrated upon civic offices. Then can be hopefully begun the endeavor to reform the conditions of municipal rule instead of spasmodically revolutionizing its results at their worst. Then can undivided responsibility for bad effects be placed upon the people themselves, and not shunted by them over upon the fact that their energies were impaired or handicapped or arrested by some State or national emergency of politics. I neither claim nor predict nor hope for perfection from

this separation of elections which shall be non-political from elections which must be partisan. The most I expect is an untrammelled way of appeal to the conscience and to the best interests of urban citizenship. That has rarely failed on a national or State scale. It ought not to fail on a local scale.

Some further gains have already been made. It long was a rejected doctrine, but it now is a truism, that politics need not enter into the laying of pavements; that there is, necessarily, no Democracy in street-cleaning and, necessarily, no Republicanism in the removal of garbage and, necessarily, no Populism in police guardianship or in the extinction of fires. Reformers and moralists have said these plain things so plainly and so long that even the most hardened partisans are loath to deny them. The municipal party of the near future should therefore enter its very first fight fairly well equipped and with its political adversaries half disarmed. Moreover, it is becoming disreputable to maintain that municipal government necessarily is or, at its best estate, ought to be partisan government. Where municipal government now is partisan, it apologizes for being so. The morality of the masses and the fashion of the best thought are against such partisanship. The practitioners of it are really ashamed of it, or they feign to be so. When partisanship is consulted in appointments, care is taken to insist that fitness has also been considered in due measure. A party in municipal power has even pathetically to urge that "membership in its ranks should not be an exclusion of its followers from public trusts." Nothing could be more significant than this confession that judgment has gone against the spoils system in municipal government, and that sentence but awaits opportunity to be executed upon it.

Besides, notice how the evils of municipal government as well as of political government have been collaterally attacked and undermined. That has been done by the civil service amendment in the New York constitution. That amendment goes hand in hand with the one preserving the autonomy of cities and with the one separating civic from State and national elections. These three provisions are of incalculable possible value. Our cities cannot be destroyed. The opinions of their chief magistrates upon legislation affecting them must be secured. Such an opinion, if adverse, is a veto. As already said, civic elections cannot be mixed with other elections. Furthermore, all appointments in the State service or in any branch of the service of the State,

including cities, must hereafter be based upon fitness to be ascertained by examinations, which examinations, whenever practicable, must be competitive. I have technically stated this constitutional mandate; and would that I could, by a free translation of its legal phraseology, literally burn its importance into your minds!

We stand to-day only in the twilight of the blessings of this provision. Its import was unsuspected by the professional politicians. Its adoption was the surprise of this generation to them. It looms out on their view with the enormity and the chilliness and the danger of an unprecedented iceberg on the eyes of mariners, just emerging from a fog. They thought, did these politicians, that the mandate would be ineffective, without enabling or explicit legislation that they meant should never be passed at all. To their wonder and terror, our Court of Appeals unanimously decided that the mandate was self-operative from the instant of the beginning of the new constitution to be, and was self-enforcing forever, without legislation and against all hostile or inadequate legislation, upon every department of the public service. This declaration stands. It has not yet been fully applied or realized. It has, however, been largely applied; and it is slowly becoming realized more and more. In a year or two, or less, the fact will be apparent that political considerations have been outlawed from nineteen-twentieths of the public service of the State. Then politics will have almost as little to do with municipal business as with commercial business; and then the effrontery of selecting public agents, for public business, from one party, when they must be paid out of the taxes of both parties, will be appreciated. The municipal party for municipal purposes which I yet hope to see will indeed have the buttresses of the constitution, as well as the moral support of the best citizenship with it in its efforts.

To get Right is the First Requisite.

I do not say that such a party will always be right or will always win. Men are fallible. Parties are but fallible men bunched in agreements. Communities are more tensely engaged in bread-winning than in government-making. In times when bread-winning is difficult, and to many doubtful, if not impossible, government-making will go on by the default of the governed, through the activities of those who find a living in politics as an industry. This cannot be prevented, and it should be faced. The thing,

however, to do is to get fundamentally right. That can be done when the right system is reached. While it is true that from faulty systems excellent results often follow, and while it is, therefore, true that even faulty systems should not be structurally weakened, from mere wantonness, it is also true that with right systems of procedure right results should be normal and wrong results exceptional. Emphatically, the right system of municipal government is by municipal parties, for municipal purposes, on municipal lines. Such a basis provided, the superstructure of government by consent can be trusted to the vigilance of the conscience and of the interest of city communities,—on the whole, the most intelligent and upright communities of the land.

At the basis, however, of municipal parties, as of political parties, must be substantial morality. State elections and municipal elections have been made distinct in time because they are different in issues, in problems, and in duties. But there must be a likeness among all our divisions of government on bottom matters. We must not only have clean streets, but clean dollars. If, in the different ways to get either, we do not demand both, then we shall deserve neither, and will get neither. Our Union is indissoluble. Our States are indestructible. Our cities have been made by legislation and by constitution. What made them can unmake them. The sense of nationality is stronger than the sense of statehood, and the sense of statehood is stronger than the sense of cityhood. We cannot destroy or degrade our nation, and preserve that residuum of righteousness which will bring up our cities. We cannot soil or sacrifice our State, and save our cities from the malign influences that stain the Commonwealth whereof they are a part. I am not mixing State and national with civic matters. They are distinct, yet, withal, they have a relation. The conception of upright cities and a repudiating republic is impossible. The suggestion of honest municipalities, in a dishonest State, is impossible. The theory of useful, happy, and prosperous towns, over which might fly the flag of a government committed to or tolerant of anarchy and of rapacity, is one which the mind of a sane man refuses to form. The assumption that the inhabitants of our great centres of population would be alive to municipal virtue and municipal welfare, if the courts of their Commonwealth or of their nation were made the changelings of political passion or the football of party intimidation, is too violent for imagination, to say nothing of reason. The expectation of an honest return in service,

by public servants, to be paid for honest work in dishonored currency, is a preposterous negation of the laws of mind, of the principles of ethics, and of the history of the world. All reforms must concur. To have cities worth having, we must have a nation worth having. To have cities worth having, they must be members and creatures of the government of a State worth having. There always will, there always have been, there always ought to be, political parties. Their differences and their contests are as necessary and salutary and desirable as their existence itself. States and the nation can often wisely choose between them as instruments or between their policies for the conduct of government, during the fixed periods of administrative control. Men can belong to either of them with equal sincerity, with equal intelligence, and with equal patriotism.

Before All is Honesty.

But, as there are matters upon which they permanently will differ, so are there matters on which they should agree never to differ at all. The integrity of the flag is one of these matters. The duty of protecting all citizens in their identical rights, at home or abroad, is another one of these matters. The obligation to drop partisan contention at the water's edge, when our existence and our rights are threatened from without, is another. The requirement to put politics on the shelf, when our existence is threatened from within, is still another. The binding force of the eighth commandment upon money as well as on all other property is yet one more. The supremacy of the laws of the United States, for the guarantee of that order which is the very condition of liberty and security in every part of the national domain, is another still. The contemplation of all our people as an accordant brotherhood, not the separation of them into savage sections and into clashing classes, is another still. And there are others, and others as vivid and as absolute in their hold and in their appeal as these. They all concur with municipal reform; for, without the recognition and the regnancy of them, municipal reform would be impossible.

As these everlastingly true and everlastingly obligatory and vital propositions are for the first time, in a period of peace, threatened in our country, the voice should be silent that did not give to them adhesion and advocacy, in any treatment of any pub-

lic question before any assemblage of intelligent American thinkers. The perils besetting these principles will only measure the manhood and the womanhood of America that will preserve them. The incitement which the duty of preserving them will bring to all other and to all lesser duties will make and should make the friends of municipal reform receive, in a baptism of patriotism now, a baptism of purpose for the problems of the years that are to come. Under that baptism and to that purpose let us pass. Let its sacred influence abide with us all. Let us realize that at the root of all the wrongs and disorders which municipal, State, or national government reveals is but one cause. It is found in disregard of our obligations to ourselves and to others. A misgoverned city is an indictment of its people. A misruled State is an impeachment of its citizenship. The disintegrated and disorganized politics of a nation convicts its parties of negligence, and worse. As municipalities, States, and a nation, we have reached the limit of expediency, and stand on the verge of disaster. It is high time to retrace our course, to put honesty above policy, to put right above regularity, to put country above party, to put principle above politics, and across all discourse, all conduct, and every ballot to write, if need be in our hearts' blood, the word and the reality of honesty. If men can be brought back from passion to patriotism, from folly to wisdom, from demagogy to doctrine, from sophistry to truth, then will municipal reform and national reform and State reform and all kindred governmental reforms go hand in hand, the benign companions of our beloved land on the path of a noble destiny. But never let it be forgotten that, whether as a citizen of municipality or State or nation, a man is what he does and does what he thinks. Therefore, to sound thinking on all of these cognate subjects, in this epidemic of error and in this eruption of errorists, let us address our souls and our minds in the confidence that, saving ourselves alive, we will save our cities to honor, our States to good fame, and our country to duty. And may God preserve our cities, safeguard our States, redeem our republic, and bless the world which His Son came to uplift and died to save!

III. DEPARTMENT OF FINANCE.

1. SOME FALLACIES OF INDUSTRIAL STATISTICS.

BY S. N. D. NORTH.

[Read Friday, September 4.]

No statistics furnished by Federal or State censuses are more widely used or more frequently abused than those relating to manufactures. Like the labyrinthine maze of antiquity, they are penetrable to those who hold the string; but to others they terminate in a series of *culs-de-sac*, through which many a statistician "cranks and crosses with a thousand doubles."

The purpose of this paper is to point out some of the false uses made of these statistics, and the grotesquely erroneous deductions based thereon. Incalculable harm, in an economic sense, is done by writers honestly misled by these statistics. Having no knowledge of the limitations under which they are compiled, they subject them to mathematical processes which are statistically impossible, and draw conclusions as to the relative share of labor and capital in the joint product which are a travesty upon the facts. Thus they become the basis of the most dangerous socialistic teachings of the times. They supply the socialist with precisely the data he wants to prove that labor is robbed of its equitable share of the increment it renders possible. Many good and thoughtful people, pondering the figures, find in them an argument they cannot answer, to the effect that our whole industrial system is so adjusted that it works only to make the poor poorer and the rich richer.

For the benefit and relief of these good people, it may be stated that these industrial statistics afford no clew to the relative share of labor and of capital in the increment. Whoever seeks to extract from them any certain light on this question follows a statistical will-o'-the-wisp that will land him straight in the quagmire of contradiction.

The craze of modern statistics is the desire to reduce everything to percentages. Percentages have great statistical and practical utility, when properly employed; but they are full of pitfalls for the unwary. There is no conceivable absurdity which may not be demonstrated by the use of percentages. There is nothing more meaningless in the whole range of mathematical monstrosity than a percentage of an average, unless it be a percentage of two things which have no relationship to each other. Statisticians, both amateur and professional, have an inordinate fondness for ciphering relationships where none exist. It may be legitimate, as a mathematical curiosity, to figure out what proportion the population of the United States is to the number of fixed stars; but when the calculation is made it means nothing, and therefore it ought not to be made at all.

Absolute certainty is never predicable of statistics, for it is never certain that the data have been fully and properly collected. Unlike pure mathematics, the science of statistics does not consist of abstract suppositions, clearly defined, to the exclusion of all possible causes of disturbance. Each part of Euclid is merely a detached evolution of what lies in the definite figure with which it starts, say a triangle, a circle, or a cone. But in statistics, disturbances and variations constantly interfere; the conditions are never the same; fallibility lurks everywhere. We may measure certain things, like the population, the crops, the products of mines, with approximate accuracy, sufficient for ordinary economic purposes; their relationships to each other may also be proximately measured; but, when we attempt to measure the relation of the several elements of each to the other elements, we are at once in dangerous waters; and industrial statistics are more susceptible to the operation of disturbing causes than any other class.

The Annual Report of the Massachusetts Bureau of Labor Statistics for 1889 contains a treatise entitled "Relation of Wages to Cost of Production," founded wholly upon percentages elicited from the State census, the purpose of which is, as stated by the compiler, "first, the determination of the share of the product which falls to labor, in distinction from the share retained by capital; and, second, the relation which labor cost bears to the total cost of production, as shown by the proportion which wages bear to the other elements of cost." He adds that "the part which such evidence plays in the solution of certain practical problems is unquestioned. The proper adjustment of a protective tariff

cannot be made without this evidence, nor can controversies between labor and capital be rightly settled without it." Similar computations appear in the reports of the Labor Bureaus of Connecticut, New Jersey, and other States.

Taking this Massachusetts report as a type, I purpose to show that the things it sets out to demonstrate, as quoted above, are impossible of demonstration by the methods employed; that as a statistical presentation of the relation which labor cost bears to total cost of production it is meaningless and without significance; and that, so far as it pretends to determine this question, it employs false methods and reaches false conclusions. Such conclusions, when officially put forth in the name of the Commonwealth, become a potent instrumentality for the promotion of crooked thinking.

The Massachusetts report bases all its calculations upon the proposition that there are three elements in "cost of production"; namely, labor, stock or raw materials, and miscellaneous expenses, those of administration, etc. Adding these costs together, and dividing the total into the amount paid for wages, it obtains what it calls "the percentage of labor cost." As a demonstration of any relationship existing between any of the elements in the proposition, this calculation is worthless and devoid of significance. There are two reasons why this must be so:—

1. It is based upon a false economic premise of production.
2. It is based upon false mathematical factors.

Let us study these reasons in their order.

Political economy recognizes but two factors in production. These are "labor and capital, acting by natural forces upon raw material."* The raw material is wholly a product of nature, except as it is operated upon by labor and capital conjointly, producing a combination of the two under conditions that render them inseparable. Hence John Stuart Mill's definition of raw material as "the product of former labor," a definition which may also be applied to capital itself, which, in the main, is the surplus or accumulation of labor, remaining after the necessities of life have been supplied.

The Massachusetts report uses stock or raw materials as a factor to reduce the labor cost of production, when, in fact, it is itself a part, and a very large part, of that labor cost.

In a word, the terms of the proportion, instead of representing

*See Encyclopædia Britannica, xxiv. 48.

different and clearly distinguishable things, are largely interconvertible, and are in a sense one and the same thing. "Labor," "materials," and "products," three chief components of this calculation, are merely relative terms, each standing for the same thing in one or the other of the stages of a series of industrial conversions. The whole process of industry is a mere transformation of labor into material, and material into product, by the aid of capital; and there is no point in the bringing together of the results of these processes in a census at which one is so distinct from the other two that it can be divided into either without dividing it into itself.

To state the matter in another way,— there exists no significant or scientific relationship between average wages, the average product per operative, the percentage of wages to product, or the percentage of cost of materials to product, as these items are combined in census statistics. This may be demonstrated by any number of tests, selecting industries at random from the returns of the Eleventh Census. For instance, the percentage of wage to product in iron and steel is only 19.64, while the average wages are $555; in the cotton manufacture the percentage of wage to product is 25.55, while the average earnings are only $314; in flour and grist mills the percentage of earnings to product is reduced to 5.25, while the average earnings are increased to $425.

The absence of any correspondence whatever between the variations shows that there is no statistical or economic law governing them: that the compilations are mere mathematical fancies, having no more relationship to any economic problem connected with the relative earnings of labor and capital, or the labor cost of production, or the adjustment of labor disputes, or the protective tariff, than conventional geometrical patterns have to do with a problem in Euclid.

This confusion and commingling of terms, resulting in the establishment of false relationships, is known to the logicians as "the fallacy of ambiguity," resulting from defective analysis; and "defective analysis," says Coppée, "has done more to establish and perpetuate error than even blind superstition."

The false mathematical factors in these computations intensify and exaggerate the distortion of fact springing from the economic fallacy upon which the superstructure rests.

The value of materials used, and, consequently, the value of products, has been swelled in the progress of census compilation

by a series of duplications for which there is no offset in the wages column. As the census of industries is compiled, wages paid do not and cannot contain any duplications. This is evident because the column for wages shows the aggregate amount paid by all manufacturing establishments. Wages are paid by the year, or some fractional part of the year, and no operative receiving wages at any period of the census year in one establishment was receiving wages at the same time in another establishment. On the other hand, a single illustration will suffice to show what happens. By the eleventh census, $128,846,857 is given as the cost of materials used in the wholesale clothing manufacture, every dollar of which (outside imported cloths) is a duplication and in part a reduplication of the products of woollen and other mills, which again appear, with their added value, as the value of the products of the wholesale clothing manufacture, after having before appeared in the value of the products of woollen and other mills,— an enormous duplication of products, with nothing to offset it in the wages column, a duplication repeated in varying degree through the whole range of the industries. As these duplications constantly swell the divisor in this calculation, the dividend remaining constant, the quotient, *i.e.*, the percentage of labor cost, has a constant tendency to approach the vanishing point. A percentage of wage cost taken from such figures is a caricature of scientific statistics.

Nor is the case any better if, instead of dealing with totals, we deal with individual establishments; for the Massachusetts report adopts both methods. This report shows a range of labor cost, in the manufacture of satinet, running in single establishments from 18.50 per cent. up to 41.18, and in cassimeres running from 20.70 up to 77.78 per cent.; and it gravely proceeds to take an average, in order to ascertain the average labor cost in these styles of goods. Of course the average, in such conditions, is worthless,— a mathematical fancy having no more relationship to the labor cost of manufacturing satinets or cassimeres than to the movement of the tides.

These variations are due to the totally different conditions which prevail in manufacturing, and have no connection with or dependence upon the rates of wages paid or the aggregate pay-roll. A mill buying all its yarns will show one percentage. A mill buying nothing but raw stock and making its own yarns, a different and higher percentage. A satinet mill printing its own goods will show

a different percentage from another mill whose product all goes to a converter. The actual labor cost will be practically the same in each case; and the fact that the percentage may appear to be ten per cent. in one and seventy-five in another has no bearing upon that labor cost which remains constant.

This illustration is sufficient to determine the fact that these percentages have no relationship to wage cost, and no significance or value in any case or event. All such relationship or significance is destroyed, either as applied to manufacturing statistics as a whole, or to individual cases, by the controlling variants in the conditions under which manufacturing is done.

Some of their variants may be stated as follows: —

I. The variable units of product.

II. The variable value of materials handled.

III. The variable application of machinery and power.

IV. The variable effect of patents upon the value of products.

V. The variable proportion of male and female labor employed.

VI. The variable number of establishments at work in the several stages of the manufacture of any article.

VII. The variable value imparted by the art character.

One or more of these variants so operates in every percentage of labor cost, calculated upon cost of production or value of product, as to destroy any relationship between the two. To illustrate, a manufacturer may calculate the cost of making a particular fabric to be as follows: —

Labor	$0.50
Stock	.25
Other expenses	.25
	$1.90

and the labor cost will apparently be 50 per cent.

Or the calculation may be thus: —

Labor	$0.50
Stock	1.00
Other expenses	.25
	$1.75

in which case the apparent labor cost is only 28.6 per cent. But in both cases the labor employed will be the same labor; its actual earnings will be the same, whether it is employed on the one fabric or the other. The unit of product has changed, carrying with it a change in the stock employed, but the quantity and value of the

labor in the product has undergone no change whatever. One is fixed, the other variable. The status of that labor to the general situation is unaffected by the question whether its percentage in the total cost is 28 per cent. or 50 per cent., and this for the reason that the percentage is based on elements which bear no relationship to the status of the labor.

The variants not only do not vary in unison, but there is no relationship between their variations. The cost of materials will vary in accordance with intrinsic value, or with the amount of labor required in previous stages of manufacture, to bring the material to its present form and condition. When one man is engaged in cutting diamonds, and another man in converting rags into shoddy, the percentage which the wage of either bears to the value of the finished product testifies to nothing except a falsehood, as to the wages of one in comparison with the wages of the other, or as to the share of the added value which goes to either.

The cost of labor will vary in comparison with the cost or value of production, as it is or is not possible to make use of the labor of women and children.

Some manufacturing processes exclude machinery, and require more or less hand labor; in others a machine which turns out a relatively large value of product can be attended by a woman, or even by a child, at a proportionately small cost for labor, but without any effect upon the absolute standard of wages or the actual individual earnings.

The value of product varies according to the number of processes through which the material, in its crude form, has been put, and according to the demand of the market, which again depends to some extent upon competition and combination.

The art character imparted to many products, as those of clay, glass, and figured fabrics, will often contribute a far greater value than is represented by the cost of materials and labor combined.

There is not and cannot be any relationship between any two of these elements. All of these variants affect the percentage of labor cost; but none of them affect the rate of wages, or average earnings, or proportionate earnings as related to profits, which are dependent upon considerations outside of any or all of them.

One more practical illustration of the effects of these variants upon percentages will suffice. It will show how the percentage is affected by the number of establishments engaged in the preliminary processes.

Imagine a town in which there shall be four industrial establishments; one returns its product as $100,000 worth of pig iron; another, buying that pig iron, converts it into bar iron worth $200,000; the third buys all the bar iron and converts it into steel worth $300,000; the fourth converts the total product of these three mills into cutlery worth $600,000. The total value of the products of those three establishments, as returned to the census, is $1,200,000,—$100,000 + $200,000 + $300,000 + $600,000. The next time the census agent comes around let us imagine that these four establishments have been consolidated into one; the same processes are now carried on in one name; the same amount of capital is required; the same number of men employed, the same amount of wages paid by the one establishment as formerly by the four; but the product returned to the census, instead of being $1,200,000, as at the previous enumeration, is now only $600,000. So far as the figures indicate, it has shrunk in value 50 per cent.; as a matter of fact it is identically the same at both enumerations. The mere accidental fact that one establishment is now doing the preliminary work formerly done by three establishments has changed the whole relation of all the figures, not only to the general result but to each other. The percentage maker, calculating the relation of wages to product in that particular town at the first enumeration, will get certain results which are mathematically accurate. Calculating the same percentage on the return from that town at the second enumeration, he will get certain other results, entirely different, but equally accurate, so far as the mechanical mathematics is concerned. The actual relation of wages to product has in the meanwhile undergone no change whatever; every employee is receiving the same wage that he formerly received; the actual output per man is identical; but the percentage of wage to product has gone up as the product has gone down. As percentages tell the story, it will appear that whereas each operative got, under the first enumeration, say, 25 per cent. of the gross product, he got, under the second enumeration, 50 per cent. of the gross product.

This is no exaggerated illustration. It is a fair sample of what occurs everywhere, from the beginning to the end of these industrial statistics. There is no single industry of which it is not true, and of which it is not becoming increasingly true, as the tendency to specialization in industry increases. It follows that all percentages based upon aggregates affected by such a variant are

worthless and meaningless; and that, so far as they signify anything, they signify that which is false. In the nature of things they are statistically impossible; and, inasmuch as they are statistically impossible, no statistician is excusable for making them.

Enough illustrations have been given to establish the contention of this paper. We may now turn, with profit, to a brief study of the real relation of the industrial statistics of our nation to the economic relations of labor and capital. On the face of the returns, the value of the annual products of manufacture in the United States, by the census of 1890, was the magnificent total of $9,370,107,624,—a figure altogether too large for the mind to readily grasp its significance. No attempt to measure so large a sum is necessary, however; for, as has been made evident by what has preceded, it is a fictitious total, representing a vast conglomeration of duplications and reduplications of the finished products of one industry which become the raw materials of the next, in the ascending industrial scale. The real value of our industrial production in 1890 was hardly more than one-half of its nominal or gross value of $9,370,107,624. The text of the census report tells us that "the value added to the cost of the materials as they first entered a factory is fairly indicated by deducting from the value of products given the total cost of materials reported as amounting to $5,162,044,076, leaving $4,210,393,207 as the net value of products." This is still a very snug total, and national pride may find solace upon comparing it with some other ascertained totals; as, for instance, the foreign commerce of Great Britain in 1894–95, which, including £223,048,504 of exports and £413,363,914 of imports, only aggregated $3,182,072,090, or a round billion dollars less than the assumed net value of the annual products of American mills, forges, factories, and workshops producing a product above $500 a year.

By subtracting from the gross value of manufactured products the cost of the materials consumed, the census office obtains, as we have just seen, what it calls the "net value of products," due to the joint operation of labor and capital upon those materials. But this process does not secure the real value of products, because the original cost of the materials in the absolutely raw state is not represented in the remainder. This remainder is not the true value, but simply the *value added to crude materials*. The Eleventh Census, as finally published, makes a singular error in describing this remainder as the net value, instead of calling it the added

value. This error leads to some curious conclusions. For instance, in Kansas, the meat slaughtering and packing business constitutes 40 per cent. of the gross value of the products of the State, and in this industry the cost of materials is very large in comparison with the labor cost. The phrase adopted by the census reduces us to the absurdity of saying that the "net" value of the product of the meat-slaughtering business is the bare cost of killing and packing the cattle; *i.e.*, $8,000,000, whereas the materials upon which this sum was expended cost $36,031,000. In the manufacture of coffee, spices, etc. (*i.e.*, their roasting, grinding, and preparation for market), the cost of the materials, as returned to the Eleventh Census, was $65,961,465, and the value of the product was $75,042,010. So that the "net value," as thus ascertained, was only $9,080,545. In the lard industry the "net" value of product is reduced to $2,820,488, although the cost of the materials used was $12,654,360.

These illustrations are sufficient, from scores which might be given, to show that the census method of ascertaining what that publication describes as a "net product" of manufactures, does not indicate the net product. The "net value" of products is not the gross value, nor is it the added value, obtained by deducting the cost of materials; but it is that added value, plus the unknown sum originally paid for all the raw materials used, in the crude form in which they first appear in any factory.

I allude to this fact for the purpose of again emphasizing the contention that there is no way of measuring, with any approximation to accuracy, what are the relative shares of labor and of capital, from the results of their joint operation, as revealed in the census returns. The most essential factor for such a calculation is missing, and we cannot supply it from the returns as tabulated. I conceive it possible, however, so to take an industrial census that this item shall be as easily determined as the others.

Some things, however, we can know.

The return of wages is absolute, and it is shown by the Eleventh Census to have been the sum of $2,283,216,529, which is more than 50 per cent. of the $4,210,393,207 added to the value of raw materials. Thus we know that of the value created in the mills and shops, labor got, in a direct return, one-half, which appears at first glance to be an even divide, and should immediately relieve the minds of the socialists.

But they may be much further relieved; for of the residuum,

capital did not get all, nor half, because out of that remainder capital had to pay all its own expenses. When we come to estimate those expenses, we find that they eat up the greater portion of the remaining part of this added value, so that the direct proceeds of labor, from industrial enterprise, are not only larger, but very much larger, than those of capital. Out of the remainder must be taken, in the first instance, all the miscellaneous expenses, those of administration, etc., aggregating $631,225,035. Out of it must be taken all the charges for deterioration and wear and tear, of which the census makes no return, but which may be conservatively estimated at $200,000,000 more. Out of it must be taken all the losses encountered, in the marketing of the goods, from the time when they pass beyond the purview of the census enumeration. When we have made due allowance for all these expenses, charged up against the residuum remaining for capital after it has paid labor its wages, we reduce that residuum to a point that reveals a return on the capital invested in manufacturing enterprise, and on the labor and brains required to manage and direct that enterprise, no larger, if indeed it is as large, as the return upon the same amount of capital and labor in mercantile and other commercial occupations. Indeed, considering the risks involved in manufacturing, it is safe to say that the relative rewards are smaller than in any other line in which capital finds employment, and there is everything in the figures of the census to justify this conclusion.

My attention was called to this subject by an editorial note by the United States Commissioner of Labor in the March issue of the Bulletin of his department. Colonel Wright published this note for the purpose of correcting one of the numerous fallacies into which an amateur statistician had fallen in trying to extract from the census figures some definite ratio of labor's share in industry. This writer had figured the average wages, by the census of 1880, at $347, and the average product of each operative at $1,888, and concluded that "the man who does the work and produces the results is allowed a paltry 18.8 per cent., while the employer gets 82.2 per cent."

Colonel Wright, making the same calculation from the census of 1890, shows that the average wages per employee in that census was $445; that the average per capita of the gross product per operative was $2,204; that of this average gross product per capita, 20.18 per cent. went to labor, 55.08 per cent. to materials,

and 24.74 per cent. to miscellaneous expenses, salaries, interest, profits, etc.; and he adds that after taking out the labor percentage, "the balance goes largely for raw materials, and of the amount paid for raw materials the bulk goes to labor for their production."

Thus the Commissioner of Labor makes out a far better showing for the operative. But his editorial note (the whole of which is attached as a foot-note) conveys to the casual reader the distinct impression that the average value of product per capita of employees as shown by the census of 1890, was $2,204, and that the laborer's share in that average product was $447. But by Colonel Wright's method of estimating net product,* the product per capita, instead of $2,204, is only $950, of which the operative gets $457. The Commissioner of Labor reduces the percentage which goes to capital; but no one can infer, from the reading of this note, that that percentage is very much smaller than labor really gets, and that the census figures, when rightly analyzed, prove this fact.

EDITORIAL NOTE FROM THE BULLETIN OF THE DEPARTMENT OF LABOR FOR MARCH, 1896.

During the past two or three years, a statement purporting to give the relation of wages to cost of production, or the proportion of labor cost to the whole cost, has been going the rounds of the press. This statement has generally been in the following form: —

"Mr. Carroll D. Wright, the national labor statistician, has figured out that the average rate of wages per year paid in the United States is $347, and the average product of each laborer is valued at $1,888. This gives the employer 82.2 per cent., while the man who does the work and produces the results is allowed a paltry 17.8 per cent. In spite of our boasted free country and high wages, the fact remains that the proportion of the proceeds of his labor paid to the American workingman, is smaller by far than that paid to any other workingman in any civilized or uncivilized country on the globe."

Sometimes the article varies in its statement, both in percentages quoted and in other essential features, but usually conforms very closely to the foregoing extract, which has been taken literally from one of the newspapers in which it appeared. The prominence given to this statement warrants its notice in the *Bulletin*. Ordinarily it is not our purpose to use its pages for current items, but the figures quoted and the statement that they are upon the authority of the Commissioner of Labor make this case an exception. The figures themselves are in the main correct; they relate more particularly to the census of 1880

* Hon. Carroll D. Wright, Commissioner of Labor, in his volume, "The Industrial Evolution of the United States," says (page 191): "The net value of product is the value remaining after deducting the cost of materials, and may be considered as the value added to the cost of the raw materials by the combined operation of capital and labor."

than to any other collection of data. An analysis of the figures and the facts underlying them, shows the fallacy of the conclusion drawn from them.

If the aggregate wages paid in the manufacturing and mechanical industries of the United States, as shown by the census of 1880, be divided by the total number of employees to whom the wages were paid, the quotient will be 347, thus determining the average wages paid to the employees in the manufacturing and mechanical industries of the country as $347. Dividing the aggregate value of all the products of manufacturing and mechanical industries by the number of employees engaged therein, the quotient is 1,965, showing that the average production per employee was $1,965. Now, $347 is 17.7 per cent. of the gross value of the per capita product, as stated, leaving a balance, of course, of 82.3 per cent., or $1,618, which the originator of the statement quoted above assumes goes to the employer. The 82.3 per cent. of the total product, or $1,618 per capita, covers all expenses of production, cost of materials, miscellaneous items, profit, deterioration, interest, everything in fact which can be counted as cost of production other than wages. Taking the Eleventh Census — that for 1890, —it is found that the value of the gross product per capita for the number of employees engaged in manufacturing and mechanical industries was $2,204, and the average annual wages per employee, computed for 1890 as already computed for 1880, was $445. The writer of the statement quoted above would assume for the Eleventh Census, that while $445 was paid to labor, $1,759 went to the employer. As a matter of fact, of the total product per capita, 20.18 per cent. went to labor, 55.08 per cent. for materials, and 24.74 per cent. to miscellaneous expenses, salaries, interest, profits, etc.

All statements like that quoted above, are fallacious in their application. While the figures in themselves are in the main fairly correct, and the percentages so, the balance, or 82.2 per cent., does not go to the employer, but, as shown, largely for raw materials; and of the amount paid for raw materials the bulk goes to labor for their production. That the statement emanates from the Commissioner of Labor is an assumption without any authority. From what sources the comparison with workingmen of other countries is secured is not known, but the concluding statement in the quoted article is undoubtedly as fallacious as the one which gives to the employer 82.2 per cent. of the value of the product.

C. D. W.

The *Industrial Record* of Philadelphia, an intelligently edited technical paper, reproducing the Commissioner's note, draws the conclusion, "One fifth of the product goes to labor"; and that conclusion, according to my observation, is fairly typical of the average interpretation placed upon the note by the average reader. Commissioner Wright has himself officially called attention to the fallacy underlying these conclusions from census statistics, and discussed the difficulties connected with their analysis; but, as he personally informs me, he has not yet been able to formulate a statistical expression that will avoid the fallacious economic conclusion. Certainly the "editorial note" does not do this; and my

contention is that it cannot be done under present methods of census compilation.

Rightly compiled and analyzed, the census statistics should show the undoubted fact that labor gets out of the net product of industry the lion's share; reduced to percentages, a share not less than 75 per cent. in the direct return in the form of wages paid to the operative class. In the last analysis, if we charge over to labor all that is properly labor's share, including the labor of the brains as well as the labor of the hands, and if we add to this all the rewards of labor employed in producing the crude materials from the field, the forest, and the mine, we shall find that from the net proceeds of labor and capital there is left only enough, after labor has taken its share, to pay the ordinary interest on the capital, the use of which has alone made possible such enormous annual additions to the wealth of the nation.

Capital is fortunate if it gets, from its alliance with labor, a return which is equal to that which awaits it elsewhere. For it must be remembered that capital invested in manufacturing is not like capital invested in real estate. It must fight and struggle for its increment; it must take all the risks of the markets; it must discount all the fluctuations in values; it must face a deadly competition at every point; it must calculate its earnings on fractional margins; it must provide against a thousand contingencies, and all that it does in all these particulars is labor, and the hardest kind of labor at that. Capital invested in a mortgage works without labor, and works day and night to earn its six per cent. It adds nothing to the net wealth of the country. It is selfish and unproductive; it earns nothing except for its owner. Capital invested in manufacturing compels its owner or user to be as industrious as any operative in his employ. It bears all the risks; the operative none of them; it takes all the losses; the operative none of them. It keeps the wheels of our vast industrial system in motion. Without its agency that two billion dollars per annum, which clothes and feeds the workingmen and their families, would be non-existent. For there is nothing helpless and so hopeless as labor without capital to employ it. Whatever capital gets when invested in manufacturing, it earns by labor, which is none the less hard labor because it is done in the counting-room and not in the factory.

2. GROWTH AND SIGNIFICANCE OF MUNICIPAL ENTERPRISES FOR PROFIT.

BY PROFESSOR S. M. LINDSAY, PHD., UNIVERSITY OF PENNSYLVANIA, SECRETARY OF THE DEPARTMENT.

[Read Tuesday, September 1.]

The great wave of municipal reform that has spread over this country in recent years is not the first in our history, but is, doubtless, more intense than any previous one. What are the causes back of it? Whither will it lead us? Mr. Bryce reminds us that a Tammany ring in New York City once dethroned was quietly allowed to entrench itself by biding its time. We feel now that municipal reform has come to stay,— at least in the larger cities. The formal organization of a National Municipal League and the vigorous local associations of a similar character tend to strengthen this belief.

Any attempt to analyze the forces back of this movement, or to study more closely the composition of municipal reform organizations will, I think, reveal two distinct motives, and at least two classes of men, at work. The first motive is the desire for political honesty and purity. It has brought into line men who are there to protest against political corruption, boss rule, reckless expenditure, and useless taxation. The same men have served on Committees of Fifty or One Hundred, as the older organizations were usually called. They represent the better element in society which always comes forward in an emergency to assert the moral force of the community. Useful as has been the work of such men, it appeals, unfortunately, to a constituency far too small, and is at best a negative phase of reform. Its force is usually spent when the particular need that called it forth is met to any appreciable extent.

The second motive marks, I believe, an advance in municipal reform. It is the vision of the possibilities of a larger municipal life. It is a positive idea that appeals to persons acquainted with modern business methods and familiar with corporation management. The conviction is growing that the corporate achievements

of an awakened municipality can be greatly improved and readily extended to experiments hitherto untried.

Just here is one of the most hopeful tendencies of the day, and yet one fraught with much danger. A too hasty political impulse in the direction of municipalization of quasi-public business enterprises may not only diminish the sum of present utilities, but may also impose heavy burdens of debt on the tax-payer, where costly experiments are attempted without a basis of sufficient knowledge. It is exceedingly difficult, from a business point of view, to determine in the case of any quasi-public corporation the items of cost of production and the real profit that is consistent with efficient service. Especially where many kinds of service are rendered through the same general machinery, an absolutely fair system of book-keeping is a very real difficulty, even where an honest attempt is made by persons who know all the facts. In a recent discussion by the president of a leading railroad corporation as to the cost of carrying freight between two terminal points, I found great difficulty in agreeing with his views as to the proper distribution of the cost of maintaining one million dollars of real estate owned by the corporation in one of the terminal cities, and used for business purposes, largely in connection with the passenger traffic. It follows, without further comment, that the figures we find retailed so glibly by newspaper writers, giving the relative cost of the gas and electric light supply in various cities, must be carefully analyzed in order to convey any true meaning.

Private corporations are, too often, interested in concealing the facts, and no amount of honest effort can, at times, get at them. Without anticipating the paper and discussion which are to follow this morning, I cannot refrain from suggesting the moral to this story. It is only through a far more elaborate system of public control, through public commissions of experts, that we can hope to secure adequate information as a basis for deciding whether the public interest is best served in the case of any quasi-public enterprise by its municipalization or private ownership. With purely public business, the difficulty is no less real in getting at the actual cost of running any department of a city government, where buildings erected partially for other purposes, time and services of officials engaged in other duties, and public privileges, such as exemption from taxation, are items to be considered. For such studies one gets little help from the average municipal report. Mr. Frederick R. Clow, in an article entitled "Sugges-

tions for the Study of Municipal Finance," * has outlined some of the difficulties in using these reports, and has made some suggestions looking to their improvement.

It is the purpose of this report from the Finance Department to state the reasons for presenting the topic on the programme this morning, and to introduce what is to follow, rather than to make any substantial contribution to the subject under consideration. Too much talk has been indulged in already by those who may be familiar with some municipal questions, but are not specialists in the study of the municipal problem. The problem of fundamental importance to municipal science, in its present stage, is, at bottom, a financial one. Hence it seemed appropriate for discussion in this department this year,— specially so because we devoted much time last year to phases of the money question, which is now so prominently in practical politics as to be unsuitable for our gathering. This association has on several occasions considered the intricate questions of theory in taxation; and many of you will recall the heated debate of a few years ago on the Single Tax, when Mr. Henry George was here in person to defend that theory. Less frequently have we had brought before us, either directly or indirectly, the subject of municipal finance and taxation.

The unprecedented growth in the public interest taken in all that pertains to municipal life is in a measure the natural consequence of the enormous growth of cities in this country. I need not remind you of the exact figures giving the increase in urban population in the past two or three decades. It is, however, worth while to recall the point so well made by Colonel Wright in discussing these statistics, that this increase is not in the most densely populated districts,— that is, the slum districts,— but rather in the suburban population. This fact is significant because it indicates that there is a growing appreciation of the advantages and enjoyments possible only through the corporate activity of a large centre. People who in no wise desire the cramped and intense life in crowded sections of large cities are seeking, however, homes in outlying sections, or adjoining towns, where they may enjoy some of the social, educational, and business opportunities of city life. The same forces are at work defining and limiting the exodus from cities to the adjoining country homes, which tend to become permanent. All this has immensely

* *Quarterly Journal of Economics*, July, 1896.

complicated the problems of municipal government, both in cases where the city is limited in jurisdiction to a small area, and metropolitan facilities are afforded through joint action of a number of strongly localized independent town governments, as, for example, in Boston; and no less in cases where a single corporate body controls an enormous area, with its multiplied administrative difficulties, as in Chicago.

The best minds among us — perhaps it is not too much to say that a majority of the voters in the large cities — believe that the real difficulties of city government can be overcome by the application of sound business methods rather than by the introduction of new political theories, the better application of old ones, or a broader conception of the possibilities of municipal life. The business view of the problem of city government is the one harmonious chord characterizing nearly every reform gathering. It contains, however, only a half-truth, and may therefore be more dangerous than a lie. Ex-mayor Matthews, in his valedictory address as mayor of Boston, struck a deeper and truer note in the following passage: —

> The theory that the affairs of a city should be managed like those of an ordinary business corporation is attractive and widespread; but it is founded on the fallacy of supposing that a municipality is a business corporation; and its advocates are generally driven to support a limitation of the suffrage. While the modern city is technically a corporation, its constitution, machinery, and objects are wholly different from those of private companies. It is not controlled by a limited number of stockholders casting votes proportionate to their holdings, but by a great number of people, each with a single vote, most of whom have no direct property interest in it. Its officers are elected, not in the sober quiet of a corporation meeting, but in the heat of a political campaign. Its object is not to make a pecuniary profit for its members, but to provide for their safety, health, and comfort, their education and pleasure, to relieve their poor and help their sick, and generally to do things that no business corporation was ever chartered to accomplish. The chief similarity between a business and a municipal corporation is in respect to those undertakings which are also carried on by private corporations for profit; that is, water-works, ferries, gas-works, etc.; but in all the other branches of government, the distinctive feature of a private corporation — organization for the pecuniary profit of its members — is absolutely wanting. Municipal corporations are organized not to make money, but to spend it. Their object is government, not profit. . . . At the beginning of municipal life, as we understand it, the city was not a political society, it was the State itself; and

in all true municipal democracies the world has ever seen, "The people are the city." . . . A city government founded on democratic self-governing principles was, is, and ever will be a political and not a business corporation; it is only through a comprehension of this fundamental fact that a correct understanding can be reached of the phenomena of municipal life in the United States.*

I have quoted Mayor Matthews's words at length because I think we must admit that they give a far truer indication of the complexity of the municipal problem than we get from most municipal reformers. They serve in this connection to remind us that we are to-day discussing only one phase of an intricate subject, as we turn our attention to those municipal enterprises operated for profit. Ex-Mayor Matthews's words are the more surprising, coming as they do from one who is doubtless better versed in the practical difficulties of municipal administration than in its theory. I am sure that no one who reads his review of the departmental work of the city of Boston and its enterprises for profit, or "municipal investments," as he calls them, will accuse him of denying the need of better business standards wherever these apply. The gist of the matter is, we cannot make "business methods" the single plank of a municipal reform platform, and fully accomplish any radical change for the better. There must be coupled with this plank others indicating some policy on the broader questions of what a municipality owes to its citizens; of what sacrifices they may rightly be called upon to make for the benefit of generations yet unborn; of the relation of profit-earning departments to those administered without hope of profit; and, finally, whether the best interests of a city are furthered by the municipalization of enterprises which are largely legal or natural monopolies, or by levying tribute on their resources through a wiser distribution and control of public franchises. All these are exceedingly broad questions, and the relative value of the answers we make to them cannot be measured alone by the standards of private business. They are problems which are just as real to small cities as to larger ones. Yet how little municipal reform organizations have done for the smaller cities in the discussion of such topics! Invariably attention is centred on the political corruption incident to city government on a large scale, and the basis of all discussion of the real business problems of street-cleaning, city water, gas, or

*The City Government of Boston. By Nathan Matthews, Jr. A valedictory address to the members of the City Council, Jan. 5, 1895. Boston, 1895: Rockwell & Churchill. pp. 289.

street railway service, is too often assumed to be the same as that in large European capitals, where population is denser, demand for the specified service is governed by very different conditions from those in this country, and where the traditions of government are totally different from our own.

No one can view the results of municipal administration abroad or read Dr. Albert Shaw's lucid and inspiring accounts of them, without being fired by a new enthusiasm for municipal activity in the United States, and without having his eyes opened to a thousand new possibilities. We err greatly, however, if we suppose that we can copy what we see, either directly, or indirectly. Even comparisons of results along similar lines of effort must be made with great care in order to do full justice to both parties. What is worth copying must be engrafted on our own political trees, and the real growth will be the result of patient thought and study of local conditions. It is not so much the absence of political corruption in foreign cities, nor the more efficient and economical administration in general, that attracts our attention. It is rather the fact that European capitals are doing more for their inhabitants. We find the street railways, owned or firmly controlled by the municipalities, giving cheaper service, and, at the same time, yielding a revenue for the city treasury. We see municipal markets, slaughter-houses, ferries, gas and electric light plants, all more or less well managed and usually helping to swell the assets of the yearly budget; and thus furthering those enterprises undertaken for the public health and happiness without hope of profit. Berlin spends $10,000,000 yearly, of which $4,500,000 comes from the city's profit-earning enterprises. With such results the "money-spending" functions of city government, as Mr. Matthews calls them, may well be performed with greater ease and more liberality.

Berlin might be considered as a typical city for a study of the growth of municipal profit-earning industries, if it were any part of my present purpose to estimate this growth numerically, and had I not already called attention to the pitfalls that await any but a trained specialist in even the simplest comparisons. Professor L. S. Rowe has called attention * to many reasons why certain methods of stimulating and meeting this development in Berlin might commend themselves to American cities because of the

* "City Government as it Should and May Be." Paper by L. S. Rowe in Proceedings of National Conference for Good City Government. Philadelphia, January, 1894.

similarity in rapid growth and expansion of the city of Berlin. Many of its municipal conditions are identical with those that we have considered peculiar to this country.

I can lay no pretension to special knowledge or other qualification for measuring the growth of municipal enterprises in this country where the data are so meagre and inaccessible. I imagine that if we had the facts before us, in shape for comparison for a series of years, we should find not only a great increase in the number of things that municipalities are undertaking for profit, but a still greater increase in the demands made upon municipal enterprises of long standing. Mr. Freeman A. Coffin, in a paper read recently before the New England Water-works Association, entitled "Financial Managements of Water-works," presented tables of statistics for fifty-one municipal water-works, in towns and cities chiefly in the New England and Middle States. His figures for the cost of plant, coal consumed, maintenance expenses, and total expenditure indicate that enormous and growing business interests are involved in the city water problem alone. The able argument of the late Governor William E. Russell of Massachusetts, as counsel before a legislative committee, on "Municipal Control of Gas and Electric Light Plant,"* and General A. Hickenlooper's comprehensive study of "Municipalities *vs.* Gas Companies: their Reciprocal Relations,"† will repay careful study, in view of the light they throw on the real significance of the gas business as a public question. Water and gas sound like time-worn topics in comparison with electric light and street railways, and many others that are pressing rapidly to the front. It is futile to try to stem the current of public interest in these questions by branding those arrayed under the banner of municipalization with the stigma of Socialists. The movement in favor of municipalization is merely an outcome of the practical economic experience of our generation of business men, and it is raising a false issue to brand it Socialism. Far greater harm will ensue if the merits of the question are not frankly and honestly met in every case. The advocates of municipalization, in discussing the majority of enterprises, can be more readily won over to a policy of public control with private ownership, or even to out and out private ownership, where nothing but the stimulus of large private gains will secure the proper development of a given public service, if we make the

* Boston, March, 1895. Privately printed.

† Paper read before the Western Gas Association at Chattanooga, May 21, 1896. pp. 30.

issue purely one of business, and stimulate every effort to secure more accurate data concerning the management of the industry in question. It is this problem of how we may best secure the necessary information concerning quasi-public corporation and municipal enterprises, and of how we shall use our data in order to determine the economic productivity of such enterprises, that is to form the topic for discussion this morning in the papers that are to follow.

3. METHODS OF DETERMINING THE ECONOMIC PRODUCTIVITY OF MUNICIPAL ENTERPRISES.

BY PROFESSOR W. F. WILLCOX, OF CORNELL UNIVERSITY.

This topic must be defined and limited before it can be profitably discussed. Obviously, it does not cover all municipal enterprises. No practical object would be gained by a discussion of the economic productivity of roads, or parks, or sewers, or police. They all have an economic side, and might be justified from that standpoint. But it is needless to justify what every one accepts. On the other hand, there are classes of municipal enterprises the economic productivity of which is a matter of controversy. Means of transportation within the municipality or public docks may serve as examples. It is to enterprises of this character that the subject may be considered as limited. The question, therefore, presents itself, By what test may municipal enterprises of this class be distinguished from other municipal enterprises? The best test is probably to be found in a consideration of the main purpose of the enterprise. If it aims primarily to render an economic service, it may fairly be tested by its economic productivity, but otherwise not. For example, a sewerage system is economically productive. By improving the health of citizens and lengthening their lives, it increases their productive power. But life and health are higher aims than production. We produce to live rather than live to produce. Hence the benefit of a sewerage system should be measured in terms of decreased mortality rather than in terms of increased productivity. An example nearer the division line is found in the case of a water supply. Where the population is crowded, the water supply is second only to the sewerage system as a means to life and health. Under such conditions the economic advantages are not the final or proper test to apply. But with a sparse population the question of health may sink into the background, and the convenience or cheapness of water in pipes compared with water in cisterns, wells, or springs may become the more important consideration. A last example may be permitted. Public lights were

introduced as a means of increasing public safety and decreasing crime. They still are of much importance for that end. But the entire lighting, heating, and power system, of which the public lights are usually but a small part, can hardly be said to exist primarily for the prevention of crime. The economic service it renders to the community is probably greater than its service as a substitute for the police. Accordingly, a municipal enterprise of this character may be tested by its economic productivity.

The question, then, may be limited to the methods of determining the economic productivity of such municipal enterprises as aim primarily at economical production. Certain municipal enterprises are merely or mainly devices for rendering economic services cheaply and well. Their efficiency must be determined by comparing them with other devices for rendering equivalent services. The latter may be divided into private enterprises regulated mainly by competition, and private enterprises regulated both by competition and by governmental interference. This leads to a final limitation of the question; namely, the methods of comparing the economic productivity of municipal enterprises aiming at economic production with private enterprises rendering similar services and more or less subject to governmental control.

It may be noticed in passing that the final decision upon the wisdom or folly of such municipal enterprises must be influenced by many considerations besides the economic productivity of the ventures. The general theory of our law and political science is adverse to a wide extension of the functions of municipalities in such directions. The not infrequent corruption and the more frequent incompetency of our city governments are practical arguments in favor of the same position. The tendency of such changes is often considered to be toward undermining those powers of private initiative and of voluntary co-operation which are our Saxon birthright. On the contrary, the high-handed procedure of many corporations holding public franchises; the excessive profits they often actually secure and more often are firmly believed to secure; the power exercised by such corporations in municipal or even in State affairs, when their interests are at stake,— are arguments entirely aside from the present phase of the subject, and yet of great, perhaps of decisive, weight in forming the final conclusion.

It is not usually esteemed a function of government, whether State or municipal, to undertake enterprises solely for profit. Some other end more clearly within the range of governmental

action is looked for to warrant the proposed extension of powers; but, that found, the profit or lack of profit may have a practical argumentative force. For example, the recent legislation in South Carolina on the liquor traffic can hardly be justified merely by showing the State management to be profitable; but its profits, if permanent and large, will have a tendency to convince the taxpayers of the wisdom of the change.

After merely noting that such considerations are here irrelevant, I pass to the central question, How may the economic productivity of municipal and private enterprises be measured and compared?

In the first place, the method must be statistical. While in the natural sciences various methods of measurement are employed, in the social sciences all methods of measurement are statistical. Social phenomena are so variable in time and place that we never meet the same concrete condition twice, as we do in the natural sciences. Hence no unvarying units are possible.

On the contrary, the variations are usually wide and often inexplicable. But if any trustworthy generalizations are to be obtained, they must come through the elimination of these variations. This is secured by the so-called law of large numbers, which rests on an arbitrary division of the causes at work in any case into two classes,— the accidental or disturbing or varying causes, and the essential or primary or fundamental causes, and affirms that if a sufficiently large number of instances be observed and the results averaged, the first group of causes will be more or less completely eliminated, and the effects of the second group thereby made obvious. If, for example, a sufficiently large number of electric light plants, all agreeing in the one characteristic of being conducted by the municipality, and another series all agreeing in the one characteristic of being under private control, be carefully observed and the results averaged, it is assumed by this law that the numerous differences of the members of each series among themselves would cancel in the averages, and that the difference between the two averages would express the difference of effect resulting from the one constant difference; namely, that in the mode of management.

But it is, perhaps, erroneous to speak of the statistical method. There is, rather, a series of methods, all possessing the common characteristic just described, and, therefore, statistical, but differing in many of their details. A student familiar with one group of

these methods, as I am somewhat familiar with the methods of population statistics, is not thereby constituted a good guide through the mazes of another group; *e.g.*, financial statistics. I must confine myself, therefore, to certain general statements, and not attempt to enter into details.

A fundamental and much neglected requisite of sound statistical work is that of careful definition. In this respect the European statisticians are in advance of us. For reasons which it would be tedious to state here, definition is far more important in studying such phenomena than it is in the field of the natural sciences. It is the only way in which we can avoid the difficulties involved in the constant flux of social phenomena and be certain that we mean the same thing from moment to moment. For each form of municipal enterprises investigated a whole series of more or less familiar terms will be found, the exact meaning of which for that investigation should be fixed; and whenever after in the course of the study that term is used it should be only with the agreed significance.

The economic productivity of municipal enterprises may be measured only by comparing their efficiency with that of similar private enterprises. But the two have diverse ends in view. The aim of a municipal enterprise is to satisfy the voters; the aim of a private plant is to earn money for the corporation. Hence they are not likely to render the same service except occasionally and by accident. To be sure, one important means of pleasing the voters is by convincing them that their money is being saved and their taxes reduced. But the facts may readily be so presented as to convey a false impression to the public, and perhaps as many voters would be influenced by a policy of generous or lavish display as by a favorable balance sheet. So, too, a most important means of earning money for a corporation is by pleasing not necessarily all the voters, but the patrons and possible patrons. The fact remains, however, that the primary object in the two cases is different, and that we cannot compare the economies of the two systems until one or the other of these ends or some intermediate one is made our standard. Perhaps we may say that the primary end is to protect the capital invested, whether private or public, and, if it be private, to secure a reasonable return upon what has been necessarily and legitimately expended, and that the further end is to render a satisfactory service to the consumers, who may often be substantially the entire public. If this be admitted, it

follows that the true end is not that of the ordinary corporation or of the ordinary municipal enterprise, and that the former is likely to neglect the interests of the consumers and the latter to risk the capital of the taxpayers.

Furthermore, the consumers may be grouped into two classes,—the municipality as a body, and the private citizens as individuals; and the balance must be held between these two interests which are often antagonistic. It is not, I believe, uncommon for a private corporation seeking a contract or franchise to offer unduly favorable terms to the municipality and recoup itself for losses thus incurred by unduly high prices to individual patrons. On the contrary, municipal enterprises are tempted to close contracts with private patrons at a losing figure and let the municipality as a whole make up the losses. The true end of such a service, then, whether municipal or private, is, first, to guard the capital invested and secure it, if private, a fair return, and then to render the best possible service to all classes of consumers at the lowest remunerative rates.

It is unnecessary to argue here that, in the fields under discussion, competition is an inadequate controller of price, and so an unsatisfactory defence of the consumer. The various forms and degrees of governmental control, and also governmental ownership, are devices to secure the results obtained in other fields through competition. These devices have been introduced as the conviction has been forced upon the community that competition was here ineffective. Hence it would seem to be reasonable that the study, following the sequence of events, should start with an analysis of earlier methods, and proceed from unregulated private control through the various forms of governmental regulation or supervision to governmental management. The American people, I believe, are averse to governmental ventures into industrial fields, although that aversion may be decreasing. At the same time they can hardly approve of the results of unrestricted freedom in the field of natural monopolies.

If a comparison between municipal and private enterprises is to be instituted, the facts of importance must be ascertainable in a form admitting of comparison. It is doubtful that this requisite can be satisfied with regard to the majority of private enterprises, and the doubt is strengthened by the fact that the officials who prepared and published the Eleventh Census of the United States were unable to secure returns from one-fourth of the gas com-

panies of the country, including many large establishments, and published returns regarding electric lighting only for New York State, the District of Columbia, and the city of St. Louis. Probably a larger proportion of the companies would refuse to answer the inquiries of private individuals who were seeking to test their efficiency as compared with municipal plants. While the facts touching municipal plants are usually published, they are not presented in a lucid fashion or with the explanations needed for their proper interpretation. Neither are the facts for different cities given according to any uniform method. An investigator in this field can hardly escape blunders in the chaos of municipal finances, and the suspicion is sometimes aroused that the figures are made deceptive with intent to mislead the public. At the best, their being open to question is as fatal as their being intentionally misleading. Therefore, there is little hope for a trustworthy answer to the question under discussion until both private and public corporations are compelled to keep their books by a uniform prescribed method and to publish the important facts annually. Such a law would be hard to pass and harder to enforce, but without it all methods must be tentative and imperfect.

It may be in place here to mention that at a convention of the officials of the Bureaus of Statistics of Labor, held at Albany last June, it was unanimously voted to undertake a co-operative investigation of the municipal ownership of water, gas, and electric light plants, and a committee of experienced statisticians was appointed to prepare a uniform schedule or schedules of questions. It will be of interest to see how far these officials succeed in securing the desired information in a form admitting the institution of comparisons and the induction of inferences.

Again, the student of any particular form of municipal enterprise must be or become familiar with its technical processes. Like a lawyer, he must get up his case carefully and thoroughly, if his analysis and criticism are to be of value. Much popular discussion of municipal enterprises for profit has been valueless or inconclusive, because of failure to conform to this elementary requirement. As no one can become an expert in all these fields, the need of competent advice upon all technical processes and accounts is obvious.

The arguments upon the profitableness of municipal ownership differ so widely in the various enterprises that a statistical examination must lose in thoroughness and range if it seeks to include

several classes under a single investigation. From the point of view of method, therefore, it would seem better to make a separate statistical study for each industry affording the requisite information. While administrative considerations may have prevented, it would seem theoretically better had the Bureaus of Labor decided to make one report upon private and municipal water works, and a second upon private and municipal lighting.

Since the methods to be employed must differ in detail with the various enterprises, it seems best to limit the further discussion to a single industry which may be deemed typical. For this purpose gas lighting has been chosen as the one upon which the greatest amount of trustworthy information is available.

If private and municipal gas plants are to be compared with reference to their economic productivity, certain units of measurement should be fixed at the start. Now it is of the essence of a scientific unit that, for the purpose in hand, one unit should be the approximate equivalent of any other. Yet, in popular discussions, this prime requisite of sound statistical work is often neglected. Thus, a ton of coal is a unit frequently employed; but to the gas manufacturer it is grossly inaccurate, because the quality of the coal — its gas-yielding power, and the character of the residuals — is extremely variable, and is almost as important to him as its quantity, but far less susceptible of measurement. So, too, a thousand cubic feet of illuminating gas is a popular unit; but the quality of the gas — its constituents, candle-power, and degree of purity — is almost as variable as that of coal.

In discussions of the economic productivity of municipally-owned gas works, a comparison of the present condition of municipal and private plants should be held subordinate to a study of the changes that are in progress, and the tendencies to change which are inherent in the various systems. The emphasis has often, but wrongly, been laid upon a comparison of the present condition, partly because that is the more easily made; but partly, also, I am convinced, because the fact has been ignored that no system is a stable one; but that, on the contrary, every system is steadily undergoing modifications so far-reaching as to be of greater moment than the present conditions. These changes are complex and often elusive. Many must escape the notice of the student. But certain ones may be pointed out. The facts regarding the gas companies of Massachusetts have been gathered now for ten years, and evidence of certain changes may be derived from a collation

of the facts contained in the eleven annual reports of the Board of Gas and Electric Light Commissioners of that State.

The manufacture of coal gas has increased with great rapidity, from 2,624,570,655 cubic feet in the year ending June 30, 1886, to 4,810,048,617 cubic feet in the year ending June 30, 1895, an increase of over two and one-sixth billion cubic feet, or 83.3 per cent. in nine years.

While the output of coal gas has thus nearly doubled, the manufacture of water gas has sprung up from almost nothing. In the year ending June 30, 1887, only 28,354,300 cubic feet of water gas was made; but eight years later the reported output was 2,413,265,558 cubic feet,— over 85 times as great, or almost exactly one-half the amount of coal gas produced the same year. The system of electric lighting has also developed from almost nothing during the same period. Yet, notwithstanding these powerful rivals and competitors, the output of coal gas increased about five-sixths in nine years.

Still, the gas unaccounted for and presumably lost through leakage, has remained nearly stationary, increasing in eight years (1887–95) less than 6 per cent. (5.9 per cent.), or perhaps one-twelfth as fast as the total product. The proportion of unaccounted-for coal gas to the total output was about one-twelfth (8.44 per cent.) in 1886–87, and but little over one-twentieth (5.14 per cent.) in 1894–95. The following table gives the figures for all the companies which produced over fifty million cubic feet of gas in 1894–95, and for which the facts are published: —

Company.	*Per cent. of Gas Unaccounted for in* 1885–86.	1894–95.	*Decrease.*	*Increase.*
Boston	6.4	3.4	3.0	
Brookline	15.7	7.2	8.5	
Lowell	6.1	4.5	1.6	
Roxbury	4.7	2.9	1.8	
Cambridge	11.1	8.1	3.0	
Worcester	7.9	8.1		.2
Dorchester	11.8	5.9	5.9	
Springfield	7 0	8.5		1.5
Charlestown	11.5	6.9	4.6	
South Boston	9.5	8.3	1.2	
Lawrence	11.2	8.6	2.6	
Newton	10.4	7.7	2.7	
Haverhill	4.4	6.6		2.2
Fall River	13.0	6.7	6.3	
Jamaica Plain	17.4	14.1	3.3	

As will be seen from the preceding, twelve of the fifteen largest companies showed a decrease in the proportion of gas unaccounted for, varying between 1.2 and 8.5, while only three showed an increase. The average increase of the three was only about one-third of the average decrease of the twelve.

While the output of gas has been rapidly increasing, and the loss by leakage has fallen off, the quality of the gas has been improving. Quality is tested partly by the illuminating power of the gas in units of the illuminating power of standard sperm candles, and partly by the number of grains of various impurities found in 100 cubic feet of the gas. The average candle-power of the coal gas in Massachusetts has risen from 17.6 in 1885, to 19.3 in 1895, and the illuminating power of the gas produced by the largest companies has increased yet faster. The following table gives the increase of candle-power in ten years, for each company producing over 100,000,000 cubic feet of gas in 1895 : —

Boston 5.4	Roxbury . . . 5.6	Dorchester . . . 7.2
Brookline . . . 9.5	Cambridge 7	Lynn 7
Lowell 3.0	Worcester . . . 1.6	

The average increase of these large companies was 4.2 candle-power or about two and one-half times the average for the entire State. Meanwhile, the two impurities — sulphur and ammonia — referred to in the reports of the Gas Commissioners have been decreasing perceptibly although irregularly.

The average amount of gas taken by each consumer has not materially changed during the eight years, 1887–95. The averages for the State are not obtainable, but twenty-six companies show an increase and thirty a decrease of this average. This, however, is consistent with an increase in the average amount taken by small consumers, offset by a withdrawal of patronage by certain large consumers. What the facts may be the reports do not indicate.

During the same eight years, the number of high-power gas lamps (Lungren, Albo-Carbon, and Welsbach) has risen from 1,116 to 12,489, and the greatest amount of that increase has come in the last year during which the increase was 4,700 or 63 per cent.

The number of gas stoves reported as in use is also growing with great rapidity. Between 1894 and 1895 it rose from 15,877 to 42,412, an increase of 167 per cent.

The notable increase in the consumption of coal gas has gone on in the face of the competition of the electric lights. How keen that competition has been in the field of public lighting in Massachusetts, is apparently indicated by the steady decrease year by year in the number of public lights burning coal gas. It diminished from 19,802 in 1885–86 to 11,946 in 1894–95, a falling off of nearly two-fifths (39.6 per cent.) in nine years.

These changes, whereby the municipalities take a smaller proportion of the coal gas, and private consumers more, may affect materially the theoretical arguments concerning municipal ownership of gas; but with those this paper is not concerned.

Closely related to the foregoing modifications is one more important to the general consumer; namely, the reduction in price. The Massachusetts Gas Commissioners divide the coal gas companies by implication into two classes, large and small, and draw the line between them at an annual output of thirty million cubic feet of gas. This makes three classes, the large coal gas companies, the small coal gas companies, and the oil gas companies. For each of these, the average price of gas per thousand cubic feet has been reported for each year since 1887. The facts are collated in the following table: —

	Average Price of		
	Coal Gas.		*Oil Gas.*
Date.	*Large Companies.*	*Small Companies.*	
1887	$1.59	$2.17	$4.13
1888	1.50	2.26	4.26
1889	1.45	1.93	4.16
1890	1.39	2.02	3.81
1891	1.31	1.96	3.76
1892	1.32	2.01	3.75
1893	1.27	1.94	3.74
1894	1.20	1.79	3.81
1895	1.03	1.74	3.90

The large companies sold gas in 1895, on the average, fifty-six cents cheaper per thousand cubic feet than they did in 1887, the smaller companies sold it forty-three cents cheaper, and the oil gas companies sold it twenty-three cents cheaper. But as the prices of the smaller companies were originally much higher, the reductions made by the large companies involved a fall of 35 per cent. from the price in 1887, that of the small companies a fall of 20 per cent., and that of the oil gas companies of only $5\frac{1}{2}$ per cent.

These reductions in price must have been affected by the prices of coal, but upon that point, unfortunately, the Reports of the Gas Commissioners are silent, and I have not been able to secure the facts elsewhere. One important change, however, may be traced through the reports, and that is an increasing income from the sale of the residuals. For each year the companies report the percentage of the cost of their coal which was obtained for their residual products. It has quite uniformly increased. Between 1886 and 1895 thirty-eight companies showed an increase and only five a decrease. The results are not given in such a form as to make the average for the entire State obtainable from them, but the facts for all the companies producing over fifty million cubic feet of gas in 1895 are included in the following table: —

Companies in Order of Size.	*Per cent. of Cost of Coal obtained from Sale of Residuals in* 1885–86.	1894–95.	*Increase.*	*Decrease.*
Brookline	29.2	60.5*	30.6	
Lowell	53.6	55.6	2.0	
Cambridge	33.3	62.3	29.0	
Worcester	26.6	24.3		2.3
Lynn	35.3	59.7	24.4	
Springfield	37.2	48.5	11.3	
Charlestown	45.8	54.5	8.7	
Lawrence	43.0	84.0	41.0	
Newton	29.4	54.0	24.6	
Jamaica Plain	31.0	49.5	18.5	
Holyoke	37.1	44.0	6.9	

If an average of the preceding percentages be taken without regard to the varying amount of gas produced, it appears that in 1886 these large companies received 36.6 per cent. of the cost of their coal from the sale of residuals, and in 1895 they received 54.5 per cent., the improvement being thus equal to over one sixth of the cost of the coal.

I may briefly recapitulate the changes which by way of extended illustration have been shown to have occurred and presumably to be still progressing in Massachusetts and not improbably elsewhere under the system of private control subject to State supervision.

1. The manufacture of coal gas has increased five-sixths in nine years.

2. The proportion of this gas unaccounted for and so attribu-

* These figures are for 1893–94; those for the following year are lacking.

table to leakage has fallen to about three-fifths of what it was eight years ago.

3. The quality of the gas has improved, especially in the case of the larger companies.

4. The number of high-power gas lamps and of gas stoves has been rapidly increasing.

5. Meanwhile the number of public gas-lights has fallen about two-fifths.

6. The price of gas has been falling, especially among the larger companies.

7. The proportion of the cost of coal obtained from the sale of residuals has been rising.

Now, the point upon which emphasis is to be laid is that the changes to which every sort of enterprise is subject, and of which the foregoing are illustrations, are of far greater importance in the determination of its real economic productivity than the condition of that business at any point of time. Assume for the moment that all these gas companies had been managed for the last decade as municipal enterprises. Would the same changes have taken place? If not, would those that did occur have resulted in a greater or in a less economic productivity? Such questions, it appears to me, are speculative and will be answered by every one in accordance with preconceived ideas or theoretical arguments. I see no way in which to wring a conclusive answer to them from experience. Accordingly, the answer which as a statistician rather than a theorist I am compelled to make to the question at issue is in the first place that, until municipal enterprises have had a longer history and the facts have been gathered and presented in a shape suitable for comparison, no method of determining their economic productivity will give convincing results; and that, secondly, when the facts are obtainable, the conclusions must be drawn from the changes which are fostered by the various systems, and that the conditions prevailing under any one at a particular time must be deemed of subsidiary importance.

4. SOME PRELIMINARY PROBLEMS AND THEIR POSSIBLE SOLUTION.*

PAPER BY PROFESSOR JOHN H. GRAY, OF NORTH-WESTERN UNIVERSITY, EVANSTON, ILL.

I want to congratulate the American people, and more especially the members of this Association, on the fact that we have reached a new stage in the discussion of problems connected with our municipal life. It is not too much to say that for twenty years or more we have acknowledged our municipal government a political, social, and economic failure. It has seemed perfectly safe to predict, during all these years, that whenever any body of Americans, under whatever name, came together to discuss any phase of municipal life, that discussion would consist of an attempt to unravel before the eyes of an already disgusted audience certain extreme cases of the rottenness and degradation of that life. It is needless to say that it was never difficult, on such occasions, to find new cases which, if they added nothing of horror or baseness to the ones already exposed, nevertheless precluded the possibility of assuming that any measure of that corruption had disappeared from the face of the earth. In other words, this fresh attempt, if it added no new laurels to our crown of shame, kept the old flowers of the wreath from falling away.

Within a year the present writer read a paper on an assigned topic, before a joint meeting of two of the large scientific associations of the United States. The topic was, "Present Obstacles to the Adoption of Business Methods in Municipal Administration." When societies of such scientific standing, with all the caution which their standing requires, give a day to the discussion of such a topic as that, no further comment is required to describe the actual condition of our municipal affairs.

But I do not purpose, at this time, to burden you with any further remarks on this familiar subject. I mentioned it merely as a setting for what I am about to say.

Contemporaneous with the growth of the conditions above referred to, partly as cause and partly as effect of such conditions,

*It ought to be made plain that the title of this paper is a sub-title of the general topic of this session.— J. H. G.

another great movement has been taking place. I refer to the enormous growth of private corporations requisite to perform the services of a more or less necessary and public kind required by these ever-increasing cities. I refer not only to the corporations which are concerned chiefly with supplying what are usually called municipal services, but also to the great railroad and other corporations spreading all over our country. For these are no whit less necessary to the life of the cities than the street-car, gas, and telephone companies.

The growth and the mismanagement of these private corporations have been no less striking than the growth and corruption of the municipal corporations. This development of cities and private corporations, again, has been accompanied by, and has partly caused, such an accumulation of wealth as the world never dreamed of before; and, at the same time, has been both cause and effect of concentrating this wealth largely in a few hands. This concentration has resulted in constantly increasing the inequalities of social well-being. If the result has not been, as Henry George says, to make the rich richer and the poor poorer, it has been something which, on its psychological and social side, has amounted to about the same thing; namely, a wider and wider gulf between the rich and the poor. The consequence of this, coupled with the universal and inevitable spread of democracy, has been an amount of social unrest and agitation such as few periods have had to deal with. This condition of affairs is doubly dangerous with our unusually wide suffrage.

A century ago it sufficed to show the workingman that he was actually increasing his wages and getting more and more of the good things of this life. Convince him of that to-day, and you have in no measure allayed his bitter feeling and burning sense of injustice. He tells you bluntly that it is not so much bread and butter as a *fair share* of all that is going that he wants; and the emphasis is always laid on the fairness of the share, and not its absolute amount.

It were as useless for me to point out or discuss the corrupting power of the private corporations as to dwell upon the failure of our municipal government. I take it that we are all agreed as to both. The point of interest to us here is that these two great products of our social and political life, together with many of their minor offspring and connections, indicate that there is something radically wrong, not only with our municipal government,

but also with our boasted civilization, and more especially with our traditional claim of superior adaptability to new conditions and of superior capacity in regard to government.

But the point to which I wish to direct attention at this time is, that these acknowledged evils have given rise to one of the most striking movements and agitations of modern times,—an agitation which has already gone far to load our statute-books with ill-digested, unwise, and injurious legislation, and to change many of our ideas of the functions of government.

In all this destructive movement, the one hopeful sign to my mind is the fact that the discussion of the subject has extended from the ranks of the legislators and municipal councillors, and those whose direct vested interests would be affected by the proposed legislation, to the scientific men of the country. This is the second national meeting this summer which has given serious attention to this subject in some of its phases. Whatever the outcome of such disinterested investigation and discussion may be, the cause of it is clear and unmistakable. There can be no doubt that the chief cause of this scientific consideration is to be found in the wide-spread agitation for public ownership of what are known as industrial monopolies, and more especially of such of these monopolies as have special use of the streets of our cities.

It is, without doubt, a part of that general question that we are met to discuss to-day. Why do we want to measure the productivity of municipal enterprises? To see if those enterprises are carried on with the greatest advantages to the public, and, indirectly, to see if the services rendered by such undertakings could be better rendered under some other system of ownership or management. That the public have interests in all these services, and that some way must and will be found to protect these interests, I think we shall all agree. I have little doubt that ultimately the public will, by public ownership, supply these services directly, or that the public interest will be recognized as fully as taking the works would imply, and that interest will be maintained by an effective and actual public control. Foreign nations have solved these problems, some in one of these ways, and some in another; and some, even, by a mixture of the two methods. But all the leading foreign nations have made much greater progress toward their solution than our own country.

For my own part, I do not propose to-day to take a position either in favor of or against ultimate public ownership. I am

willing to leave that, not only for to-day but for a long time to come, an open question. But I want to call your attention to some necessary preliminary work, before any man can come to a rational conclusion as to whether public or private ownership is preferable. The advocates of municipal ownership have heretofore proceeded on the supposition that all that was necessary to a sound conclusion on this subject was a statistical comparison of the results attained under the respective systems of management. Granted: but both in the use they have made of this statement, and in the supposed statistics they have produced, and also the conclusions they have drawn from the same, these reformers have ignored a fundamental difficulty; namely, that in a scientific sense, until a period long after they marshalled their supposed statistics, there were no statistics of either public or private management.

My studies for almost a decade now, have been along the line of a single one of these services. I refer to public and private lighting. I believe this is a true type of the services under discussion to-day. With the exception of the material to be found in the reports of the Board of Gas and Electric Light Commission of the State of Massachusetts, I can say, without fear of contradiction, that there are, scientifically speaking, no American statistics relating to this kind of service. Let us leave Massachusetts out of the question entirely, and consider the lighting corporations for a moment. So long as we are utterly lacking in any public policy in regard to these services, and so long as the attitude of legislators, state and municipal, toward private companies of the kind referred to remains one of inconsiderate, brutal hostility, so long will raids and so-called competition exist, and so long will private companies be compelled to accumulate and spend large secret service funds. Furthermore, so long as secret service funds exist, just so long will the executive officers of those companies be compelled to keep their books and carry on their affairs in such a manner that not even their own boards of directors can understand them, to say nothing of stockholders and consumers. The day is not yet past when some companies of this kind, claiming that their accounts are secret, keep one set of books to produce in court and to quote from in disproof of claims put forth by those who attack them without any means of getting at the facts, and another set of books for those on the inside. However much one may regret a condition of affairs which makes it seem necessary to the companies to conceal their affairs in this manner, one can-

not rationally expect anything better, so long as the laws remain as they are in such important States as Ohio and New York. Self-defence is an instinctive law of business no less than of physical nature. This paragraph may seem to some of my hearers somewhat remote from the topic in hand. I produced it for the purpose of drawing a conclusion of vital importance to the topic of our discussion. Namely, with the number and variety and power of these corporations in our cities, it is inevitable that, if the conditions and attitude of the same be what they are, we shall continue to have a municipal government so corrupt that it will not want to give economical service or to keep its accounts in an intelligible form; and on the other, a government made up of such men as will be incapable of managing these undertakings well, or of keeping their accounts correctly. The question of the public and private corporations supplying these industrial or semi-industrial services is much more nearly a single question than appears on the surface. The same evils which corrupt and vitiate one of these systems act equally on both; cure one, and you cure both. If you cannot cure the one system, I see no benefit in rushing blindly and ignorantly toward the other. If under the circumstances I were to oppose municipal ownership, I should oppose it simply from lack of evidence, and on the general principle that it is unwise to "swop" horses in the middle of the river, especially if the river is out of its banks. If I should advocate public ownership without more knowledge than is now available, I should do so on the same line of argument which I take it is determining in inducing one to commit suicide. As I understand it, one never commits suicide in the firm belief that he is hastening his advent into a better world than this, but, much rather, because he feels absolutely unable longer to bear the burdens of this one.

To one who has had much to do with municipal accounts in America, it is needless to remark that those accounts are unintelligible and useless. Leaving out of account the general incapacity of city officials and the direct motives they have for not keeping accounts correctly, the mere changes in officials, high and low, and the consequent changes of system from year to year, together with the frequent changes of the date of beginning and closing the financial year, make it impossible to compare the results in any given city from year to year. What, then, can we say of any comparisons of cost or productivity between different cities? Simply that such comparison is impossible. The fear of such

changes is almost as detrimental as the changes themselves; for this fear destroys the incentive to business management, and makes one feel that his success as a politician is a better guarantee of holding his position than skill as a gas engineer or manager. The same cause leads inevitably to overloading the pay-roll for political ends. Another result of this lack of a proper sense of responsibility, and a feeling that one is to be dismissed anyhow, is a tendency to use such resources as are available to carry a heavy pay-roll and to let the works run down,— putting off all renewals and everything that does not make a show for the next administration to deal with, postponing and putting off bills, etc. The result is that you find from year to year, in most departments of the average city government, greater variety in the alleged cost of rendering a given service than commercial and industrial conditions would seem to suggest; for plants will ultimately give out, and some things cannot be postponed forever.

But enough of this. I take it that you probably all agree with me that the public have an interest in such services, and that municipal administration and especially municipal systems of accounting are so multiform, irregular, inefficient, and incorrect, that no one can determine from the records, as they exist to-day, the productivity of municipal enterprises of an industrial character. What, then, are the preliminary obstacles, and what their remedies? The question is much easier asked than answered. But several remarks of a general nature may safely be ventured. The first essential is to take such measures in regard to the supply of the services under consideration as will give to the public reliable, systematic, uniform, and consecutive statistics in regard to such services, under whatever form of management. In my own opinion, all our history and conditions point to the fact that we may hope for better results by beginning with the private corporations first. Notwithstanding all the vain attempts that have been made to get at a knowledge of the affairs of the private companies, the case seems to me very much more hopeful than the case of the municipalities. The whole history of our dealing with this kind of private corporations is a sad commentary on our lack of common sense.

I have tried, so far, to point out some of the reasons why, and ways by which we have arrived at chaos in our municipal services and municipal accounts; and have tried to show the relation of this chaos to the chaos in private corporations. In the few moments

remaining, I can hope to do no more than suggest some possible methods of improving the same: and that, too, without any attempt to prove the correctness of the suggestions.

First, all the conditions and traditions being what they are, it is easier to reform the book-keeping and methods of accounting of the private than of the public or municipal corporations. I shall point out presently three instances, in which we have met with striking, hopeful, and suggestive, if not complete success in this line; whereas in our municipal accounting all is yet dense, black night.

Second, if we can once get at the facts of these services as supplied by private corporations, we shall have got at least one of the factors in the question of municipal or private ownership reduced to a scientific basis, and both sides will, for the first time, have a knowledge of that factor. This would, without doubt, annihilate much of the agitation and more of the cause for municipal ownership. So far as this movement rests on a philosophic basis, it would be based on reason instead of blind prejudice.

Third, the knowledge furnished by the unified, systematized, published accounts, in addition to the information furnished about these particular services, would attract attention and appreciation; and above all would furnish a model to those who were officially concerned in working out a better condition of things in our municipal accounts.

Fourth, some State authority, as independent, impartial, and non-partisan as possible, with full authority to prescribe methods of municipal book-keeping, accounting and reporting, and with full powers of public auditing, I regard as an absolutely necessary preliminary step toward measuring the productivity of municipal enterprises. I am fully aware that, notwithstanding the very recent move in New York for State supervision of the cities by a commission, I am proposing something that will seem to the average American voter as an anomaly, and an outrage of his ideas of municipal home rule and self-government. But I am no less aware that the ideas and traditions of the average American voter on this subject are distorted and fallacious.

The general conclusions from what I have so far tried to say are that it is a part of the general question of public or private ownership that we are discussing today; that it is absolutely impossible from the available facts to measure the productivity of municipal enterprises; that a reform in the methods of book-keeping and ac-

counting and reporting in the case of such enterprises, public or private, and a publication of these publicly audited accounts, is a necessary preliminary step to any reform in this matter; and that reform in the case of the private companies engaged in similar service is at present more hopeful and promises to be more helpful than a direct reform of the municipalities.

It only remains for me to point out what I regard as three of the great improvements of the last generation in the affairs of human government and human association and administration. They each involve the fundamental principles for which I have been contending to-day; namely, compulsory uniformity and system in bookkeeping and reporting, with impartial public auditing and publication of the results. The fact that these three great examples apply to three distinct kinds of semi-public services, and that two of them have been carried on by the single State of Massachusetts, and another by the national government, speaks well for the applicability of the fundamental principles involved to a wide range of services, over an extensive range of territory, and that, too, under a great variety of circumstances. It is needless to remark that I refer to the control of the National Banks of the United States by the Federal government; the work of the Board of Railroad Commissioners of Massachusetts; and of the Board of Gas and Electric Light Commissioners of the same State. I do not propose to go into a description of the work accomplished by these bodies, but content myself with remarking that the educational work accomplished under these three heads has been the best done in America. In accordance with the fundamental principles underlying this work, and virtually along the same lines, lies the ultimate solution of the problem we are discussing to-day.

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WITH NOTES OF DISCUSSIONS.

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CONTENTS OF JOURNAL NO. XXXV.

	PAGE
INTRODUCTION	iv
GENERAL MEETING OF 1897	v–vii
BUSINESS OF 1897	viii–x
CONSTITUTION AND LIST OF OFFICERS AND MEMBERS	xi–xix
LIST OF PUBLICATIONS	xx–xxiv
1. ABSOLUTE POWER AN AMERICAN INSTITUTION. HON. S. E. BALDWIN, LL.D.	1–20
2. REPORT OF THE GENERAL SECRETARY, F. B. SANBORN	21–30
3. THE CAUSES OF THE FALL IN PRICES SINCE 1872. PROF. J. W. JENKS	31–49
4. OUR PROGRESS IN SOCIAL ECONOMY SINCE 1874. F. B. SANBORN	50–55
5. THE TEXTILE SCHOOL AT LOWELL. JOSEPH LEE	56–64
6. THE GEORGE JUNIOR REPUBLIC. PROF. J. W. JENKS	65–68
I. PAPERS OF THE DEPARTMENT OF EDUCATION	69–119
1. SKETCH OF RECENT MOVEMENTS IN THE EDUCATIONAL DOMAIN. REV. JOSEPH ANDERSON	69–76
2. THE PERVERSION OF FUNDS IN THE LAND GRANT COLLEGES. D. G. PORTER	77–98
3. THE EDUCATIONAL FEATURES OF THE DRAMA. REV. FREDERICK STANLEY ROOT	99–111
4. A TRIO OF SUB-ALPINE SCHOLARS. W. D. MCCRACKAN	112–119
II. PAPERS OF THE HEALTH DEPARTMENT	120–166
1. PHYSICAL HEALTH OF THE INSANE. P. M. WISE, M.D.,	120–124
2. THE EPILEPTIC. W. P. SPRATLING, M.D.	125–131
3. THE HOME CARE OF EPILEPTIC CHILDREN. EVERETT FLOOD, M.D.	132–138
DEBATE CONCERNING EPILEPSY	138–141
4. FEEBLE-MINDED CHILDREN. J. C. CARSON, M.D.	142–148
5. THE IDIOTIC. CHARLES BERNSTEIN, M.D.	149–154
6. INSANE CONVICTS. H. E. ALLISON, M.D.	155–166
III. PAPERS OF THE JURISPRUDENCE DEPARTMENT	167–206
1. DEMOCRACY AND THE LABORING MAN. F. J. STIMSON,	167–196
2. HOW FAR MAY WE ABOLISH PRISONS? W. M. F. ROUND	197–206

INTRODUCTION.

The papers included in this number of the *Journal of Social Science* are nearly all of the Saratoga papers of 1897. It is to be regretted that one or two valuable contributions are unavailable for publication. The editor feels that an apology is due the members of the Association and the general public for the late appearance of the *Journal*. A series of unavoidable and vexatious delays occurred from time to time, for which no one can be held directly responsible; and the editor was obliged to choose between publication which would necessarily omit important papers that give the key-note to department discussions or hold the presses until such papers could be secured. In accepting the latter alternative, he is confident the wiser course was followed, in that the usual high standard of *Journal* publication is thereby maintained.

It is evident from the editor's correspondence with writers that many do not clearly comprehend the invariable rule of the Association, to the effect that all papers engaged for the General Meeting of the American Social Science Association are so engaged with the understanding that they may be printed in the *Journal of Social Science* if the Council so decide. If, therefore, essayists choose to publish their papers elsewhere (to which the Council offers no objection), it must be with the stipulation that these papers may also be printed in the *Journal*, at the option of the Council as to the date of publication.

A list of all addresses and papers will be found in the Table of Contents on page iii.

GENERAL MEETING OF 1897.

The General Meeting of the Association for 1897 was held at Saratoga, N.Y., from the 30th of August to the 3d of September, inclusive, opening at 8 P.M., August 30, with an address by the Hon. SIMEON E. BALDWIN, LL.D., on "*Absolute Power an American Institution.*" The Final Report of the General Secretary followed. The Department of Education met on August 31; the Health Department on September 1; the Department of Jurisprudence on September 2; and the Department of Finance and Social Economy on Friday, September 3. The Election of Officers took place Tuesday evening, August 31. Other business was transacted Thursday afternoon, September 2, and will be found recorded under the head of "*Business of* 1897."

The Departments held sessions as follows: —

TUESDAY, AUGUST 31.

Department of Education.

9.30 A.M. Remarks by the Chairman, Rev. Dr. JOSEPH ANDERSON, Waterbury, Ct.

10.15 A.M. A Paper by D. G. PORTER, Esq., of Waterbury, Ct., on "*The Perversion of Educational Benefactions.*"

11.30 A.M. A Paper by Rev. F. STANLEY ROOT, of New Haven, Ct., on "*The Educational Value of the Drama.*"

12.30 P.M. An Address by W. D. MCCRACKAN, Esq., of New York, on "*A Trio of Sub-Alpine Scholars,— Alessandro Manzoni, Antonio Rosmini, and Antonio Stoppani.*"

8.45 P.M. An Address by Dr. JOSEPH ANDERSON, on "*Henry Drummond, the Man and the Teacher: His Influence on Scientific and Religious Thought.*"

WEDNESDAY, SEPTEMBER 1.

Department of Health.

9.00 A.M. Remarks by the Chairman, STEPHEN SMITH, M.D., of New York, on "*The Importance of a High Grade of Physical Health in the following Classes of Inmates of Public Institutions,— with a View to their Cure, Development, or Reformation, — and the Best Method of securing such Health.*"

9.30 A.M. P. M. WISE, M.D., President of the New York Lunacy Commission, on "*The Insane.*"

10.30 A.M. W. P. SPRATLING, M.D., Superintendent of the Craig Colony, on "*The Epileptic.*"

11.00 A.M. EVERETT FLOOD, M.D., Superintendent of the Hospital Cottages for Children, Baldwinville, Mass., on "*Home Care of Epileptic Children.*"

11.30 A.M. J. C. CARSON, M.D., Superintendent of the Syracuse State Asylum, on "*The Feeble-minded.*"

12.00 M. GEORGE H. KNIGHT, M.D., of Lakeville, Ct. (the same subject).

12.30 P.M. J. F. FITZGERALD, M.D., Superintendent of the State Asylum at Rome, N.Y., on "*The Idiotic.*"

1.00 P.M. Discussion of the preceding Papers.

8.00 P.M. H. E. ALLISON, M.D., Medical Superintendent of the Matteawan State Hospital for Insane Criminals, Matteawan, N.Y., on "*Insane Convicts.*"

9.00 P.M. A Paper by ENOCH VINE STODDARD, M.D., of the New York State Board of Charities, on "*Juvenile Delinquents.*"

THURSDAY, SEPTEMBER 2.

Department of Jurisprudence.

9.30 A.M. Remarks by the Chairman, Prof. FRANCIS WAYLAND, of Yale Law School.

9.45 A.M. A Paper by Prof. T. S. WOOLSEY, of New Haven, Ct., on "*Our Foreign Policy, and its Relation to Domestic Problems.*"

10.30 A.M. A Paper by F. J. STIMSON, Esq., of Boston, on "*The Attitude of Courts toward Labor Questions, and the Bearing of our Constitutions upon Labor Legislation.*"

11.30 A.M. Discussion of the preceding Papers.

12.00 M. A Paper by W. M. F. ROUND, of New York: "*How Far may we abolish Prisons?*"

8.00 P.M. Address by Hon. HENRY B. BROWN, Associate Justice of the Supreme Court of the United States, on "*John Marshall.*"

FRIDAY, SEPTEMBER 3.

Departments of Finance and Social Economy.

9.00 A.M. Address by the Chairman of the Social Economy Department on "*The Progress in Social Economy since* 1874." (F. B. SANBORN, of Concord.)

10.00 A.M. Address by the Chairman of the Finance Department, Prof. J. W. JENKS, of Cornell University, on "*Causes of the Fall in Prices since* 1872."

11.00 A.M. A Report by Prof. S. M. LINDSAY, of the University of Pennsylvania, on "*The Outlook for Monetary Legislation.*"

11.30 A.M. A Report by JOSEPH LEE, Esq., of Brookline, Mass., on "*Trade Schools.*"

12.00 M. Discussion of the "*George Junior Republic*," led by Prof. JENKS.

1.00 P.M. A Paper on "*Constructive Phylogeny*," by SMITH BAKER, M.D., of Utica, N.Y.

NOTE.— Dr. KNIGHT, of Lakeville, Ct., owing to sickness in his family, could not prepare a paper; and by reason of pressure of other duties Prof. S. M. LINDSAY did not present his Report. The papers read by Prof. WOOLSEY, SMITH BAKER, M.D., ENOCH VINE STODDARD, M.D., and the address by JUDGE BROWN are withheld by authors.

BUSINESS OF 1897.

As usual, only four of the five Departments of the Association were fully represented at the General Meetings, the Finance Department having joined with the Social Economy Department in presenting Papers.

In the absence of a stenographer, no notes were taken of a most interesting debate which sprang up after the reading of a paper by Professor T. S. Woolsey, of Yale, on "Our Foreign Policy and its Relation to Domestic Problems." Brief, animated speeches were made by St. Clair McKelway, of the Brooklyn *Eagle*, the Hon. Oscar S. Straus, ex-United States Minister to Turkey, and others, commenting upon opinions expressed by Professor Woolsey.

To the great regret of the members of the Association, Mr. F. B. Sanborn, of Concord, Mass., long identified with this body as a most efficient General Secretary, tendered his resignation, which was reluctantly accepted. In his place was elected Rev. Frederick Stanley Root, of New York.

In recognition of the services of Mr. Sanborn, St. Clair McKelway, of Brooklyn, offered the following resolutions, which received the hearty indorsement of the members of the Association: —

The members of this Association have learned with much regret that the General Secretary, Frank B. Sanborn, has resigned his office, and insisted on the acceptance of his resignation. We recognize the force of his statements that the work of the position has interfered with his labors in literature and with that measure of leisure and travel which he desires to enjoy and has most deservedly earned. On that account, as the reason for his resignation carries in it the proof of his devotion to duty, which we would gratefully record, the Association accepts that resignation with unfeigned reluctance, but with sincere wishes for his happiness, and in the confidence that his interest in this Society will abate only with his life.

We thank him profoundly for his long, unselfish, and unflagging service, for the justice, learning, and vigilance which have marked his duties, and for the distinction and authority which his character and powers have brought to the Association through his identification with its purposes and its occasions in the general mind. We know that the past of the Association is ineffaceably linked with his name; and we trust that its future may be honored and aided by his counsel, as it will always be by his example, for as long as he shall be spared to his countrymen, to their literature, to their reforms, and to their undertakings in the interest of humanity, within the republic and around the world.

Upon motion of Hon. Simeon E. Baldwin, subsequently elected President of the Association, the subjoined resolution was also adopted: —

Whereas the International Law Association has it in contemplation to hold its next meeting at Saratoga in 1898, opening its sessions during the week preceding those of this Association,

Voted, That the privileges of the floor of this Association be tendered to the members of the International Law Association during our next annual meeting, and that the Chairman of the Department of Jurisprudence be requested to extend to them a special invitation to participate in the discussions and proceedings of that section.

At a business meeting of the Council held Thursday afternoon, September 2, a general discussion ensued with reference to the desirability of some slight changes in the form and scope of papers to be read at the next annual meeting of the Association; and it appeared to be the predominant opinion that in the future essays should be briefer, more varied in content, with larger allowance of time for debate.

Mr. Straus moved that the Executive Committee be authorized, if practicable, to select from notable papers printed by the Association in past years such as might be suitable for publication in a single volume. Voted.

Mr. Sanborn moved that the Executive Committee have authority through the General Secretary to invite persons to become members in accordance with the amended Constitution. Voted.

The Amendment referred to is the first clause of Article IV., and thus reads: —

Any person, *upon nomination by the Council*, may become a member by paying $5, and may continue a member by paying annually such further sum as may be fixed at the annual meeting, not exceeding $10.

Mr. Straus also moved and supported the following resolution in regard to a Reserve Fund: —

Whereas the work of the Association has been hampered and the publication of the annual reports at times has been restricted by lack of sufficient funds,

Resolved, We do hereby advise the establishment of a special fund, to be known as the *Reserve Fund*, the interest thereof, and, if necessary, the principal, to be used for such purposes of the Association as the Council shall decide.

Resolved, further, That any member subscribing to this fund the sum of one hundred dollars and over may become a life member of the Association.

Resolved, That a copy of these resolutions shall be sent by the General Secretary to every member of the Association, inviting subscriptions to the fund.

In addition to the resolutions above recorded, on motion of Dr. Curtis it was enacted: —

That a committee be appointed, to consist of the General Secretary and two others, with authority to select some suitable insignia or decoration for the American Social Science Association.

And that this committee be instructed further to consider what, if any, decoration should be given in recognition of past service or distinguished merit.

Upon this committee were named, in addition to the General Secretary, Dr. Curtis and Mr. Anson Phelps Stokes.

It was further decided that in the future, and with the view of widening the scope of its essays and discussions, the Department of Education should be known as the "Department of Education *and Art*."

No further business being presented, the Council adjourned to meet December 17 in New York City.

CONSTITUTION,

LIST OF OFFICERS, MEMBERS, ETC.,

OF THE

American Social Science Association

DECEMBER 15, 1897.

CONSTITUTION.

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its object shall be classified in five departments: the first, of Education and Art; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. *The Council shall consist of President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-laws.* The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And, whenever a Local Department shall be organized and recognized as such by the Council, its Chairman shall become *ex officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person, upon nomination by the Council, may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life member exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendment.

American Social Science Association.

(Founded in 1865.)

OFFICERS OF THE ASSOCIATION.

1897-98.

President, SIMEON E. BALDWIN, LL.D., New Haven, Ct.

First Vice-President, F. J. KINGSBURY, Waterbury, Ct.

Vice-Presidents.

FRANCIS WAYLAND, New Haven, Ct.
DANIEL C. GILMAN, Baltimore, Md.
WILLIAM T. HARRIS, Washington, D.C.
CARROLL D. WRIGHT, Washington, D.C.
Mrs. JOHN E. LODGE, Boston.
LUCY HALL-BROWN, M.D., Brooklyn, N.Y.
Mrs. CAROLINE H. DALL, Washington, D.C.
SAMUEL W. DIKE, D.D., Auburndale, Mass.
CHARLES A. PEABODY, New York.
H. L. WAYLAND, Philadelphia.
ANDREW DICKSON WHITE, Berlin, Germany.
GRACE PECKHAM MURRAY, M.D., New York.
HENRY B. BAKER, Lansing, Mich.
DORMAN B. EATON, New York.
H. HOLBROOK CURTIS, M.D., New York.
R. A. HOLLAND, St. Louis, Mo.
JOHN EATON, Washington, D.C.
JAMES B. ANGELL, Constantinople.

General Secretary, FREDERICK STANLEY ROOT, 84 Irving Pl., New York.

Treasurer, ANSON PHELPS STOKES, 45 Cedar St., New York.

Directors.

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EDWARD T. POTTER, Newport, R.I.
EUGENE SMITH, New York.
OSCAR S. STRAUS, New York.
SEYMOUR DEXTER, Elmira, N.Y.
E. H. AVERY, Auburn, N.Y.
JOHN L. MILLIGAN, Allegheny, Pa.
S. M. HOTCHKISS, Hartford, Ct.
ST. CLAIR MCKELWAY, Brooklyn, N.Y.

Department Officers.

I. *Education.*—JOSEPH ANDERSON, D.D., Waterbury, Ct., *Chairman*; S. T. DUTTON, Brookline, Mass., *Secretary*.

II. *Health.*—WILLIAM H. DALY, M.D., Pittsburg, Pa., *Chairman*.

III. *Finance.*—Prof. J. W. JENKS, Ithaca, N.Y., *Chairman*; Prof. SAMUEL M. LINDSAY, Philadelphia, *Secretary*.

IV. *Social Economy.*—F. B. SANBORN, Concord, *Chairman*; JOSEPH LEE, Brookline, Mass., *Secretary*.

V. *Jurisprudence.*—Prof. FRANCIS WAYLAND, New Haven, *Chairman*; F. J. STIMSON, 709 Exchange Building, Boston, *Secretary*.

Executive Committee.

Hon. S. E. BALDWIN, *President*; Rev. F. S. ROOT, *General Secretary*; ANSON PHELPS STOKES, *Treasurer*; Rev. JOSEPH ANDERSON, *Education Chairman*; Dr. WILLIAM H. DALY, *Health Chairman*; Prof. FRANCIS WAYLAND, *Jurisprudence Chairman*; Prof. J. W. JENKS, *Finance Chairman*; F. B. SANBORN, *Social Economy Chairman*.

MEMBERS OF THE ASSOCIATION.

[All officers are *ex-officio* members of the Association; but persons serving on the Department Committees may or may not be members of the Association. In view of the fact that Department Committees are greatly in need of reorganization upon a basis of *active participation* in the work of the Association, the General Secretary deems it wise to omit the old list until such organization is completed. This, of course, is exclusive of Heads of Departments whose names appear in the list of the Officers of the Association.

In the list herewith submitted the annual members are given alphabetically; the life members then follow, classified by States; and, finally, the honorary and corresponding members. The only distinction between honorary and corresponding members is that the former reside in the United States, and the latter in foreign countries. It is a rule of the Association to drop from the list of annual members those who have not paid their assessments for two years.

No record of the members of the Association, as printed, can ever be quite accurate, so many changes occur by reason of death and withdrawal, accession of new members, etc. The following list, in so far as possible, is corrected to Dec. 15, 1897; but by the next issue of the *Journal*, in the fall of 1898, the editor hopes to make thorough revision of the roll of membership under the specific sanction of the Council as to disposal of names retained upon the list in contravention of the established rule relating to assessments.

In order that the work may be successful, the General Secretary earnestly requests that all members of the Association will write him at once, giving present address in full and also correcting any errors in list as now submitted. A prompt compliance with this request will greatly facilitate his labors.

84 Irving Place, New York City.

ANNUAL MEMBERS.

Abrahams, A., 63 S. Oxford St., Brooklyn, N.Y.,
Anderson, Rev. J., Waterbury, Conn.
Atwood, Dr. Chas. E., New York City.
Avery, Edward H., Auburn, N.Y.
Baker, Henry B., State Board of Health, Lansing, Mich.
Baldwin, Prof. S. E., New Haven, Ct.
Bemis, Edward W., Chicago, Ill.
Bissinger, Philip, 22 St. John St., New York City.
Boardman, D. L., Troy, N.Y.
Bonaparte, Charles J., Baltimore, Md.
Bonney, C. C., Chicago, Ill.
Bowditch, E. B., 291 Orange St., New Haven, Conn.
Bradford, Rev. A. H., Montclair, N.J.
Braislin, Alice G., Bordentown, N.J.
Braman, J. C., 50 State St., Boston.
Breed, W. J., Cincinnati.
Brewster, Lyman D., Danbury, Conn.
Brinkerhoff, Roeliff, Mansfield, Ohio.
Brockway, Z. R., Elmira, N.Y.
Browne, Dr. Lucy Hall, Brooklyn, N.Y.
Bruen, Rev. J. D. Hart, Belvidere, N.J.
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Church, Frederick E., Hudson, N.Y.
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Dall, Mrs. Caroline H., Washington, D.C.
Davies, Julien T., 32 Nassau St., New York City.
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Doughty, W. H., Troy, N.Y.
Dowd, Rev. Charles F., Saratoga, N.Y.
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Finley, John H., Galesburg, Ill.
Fowler, Charles M., Elizabeth, N.J.
Gano, John A., Cincinnati, Ohio.
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Gates, Merrill E., LL.D., Pres. Amherst College, Amherst, Mass.
Giles, W. A., 64 Borden Block, Chicago.
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Green, Jacob L., Hartford, Conn.
Greene, J. Warren, Brooklyn, N.Y.
Greenough, W. W., 229 Marlboro St., Boston.
Grew, Henry S., 89 Beacon St., Boston.
Haines, H. S., 12 W. 23d St., New York City.
Hallowell, Mrs. R. P., West Medford, Mass.
Halsey, J. J., Lake Forest, Ill.
Hamilton, T. F., Saratoga Springs, N.Y.
Harkness, Prof. A., Providence, R.I.
Harris, Wm. T., Washington, D.C.
Harvey, George F., Saratoga Springs, N.Y.
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Kimball, B. A., Concord, N.H.
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Lindsey, C. E., Fall River, Mass.
Little, Moses, 63 Merrimack St., Lowell, Mass.
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Lynde, Mrs. Wm. P., Milwaukee, Wis.
Marshall, James, Fall River, Mass.
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Martin, Miss Myra B., 38 West 38th St, New York City.
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May, Rev. Samuel, Leicester, Mass.
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Means, William G., 40 Water St., Boston.
Merriam, A. R., Hartford, Conn.
Milligan, Rev. J. L., Allegheny, Pa.
Minot, Wm., Jr., 39 Court St., Boston.
Mitchell, Edwin K., 57 Gillett St., Hartford, Conn.
Moore, Chas. Halsey, Plattsburg, N.Y.
Morey, Prof. W. C., Rochester, N.Y.
Munson, C. La Rue, Williamsport, Pa.
Murray, Mrs. Grace Peckham, New York.
Neilson, James, New Brunswick, N.J.
North, S. N. D., 71 Kilby St., Boston.
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Olmsted, Frederick Law, Brookline, Mass.
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Potter, Edward T., Newport, R.I.
Potter, Rev. E. H., President, Geneva, N.Y.
President of the Social Science Club, Ware, Mass.
Putnam, Charles P., M.D., 63 Marlboro St., Boston.
Putnam, Miss Elizabeth C., 63 Marlboro St., Boston.
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Rotch, Miss Joanna, Milton, Mass.
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Rowe, Dr. G. H. M., City Hospital, Boston, Mass.
Rowland, Dr. Edmund, Waterbury, Conn.
Runkle, Prof. J. D., Brookline, Mass.
Schiff, Jacob H., care Kuhn, Loeb & Co., New York City.
Schlesinger, Barthold, 131 Devonshire St, Boston, Mass.
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Scott, Rev. Robert, Boston.

Scovel, Rev. Sylvester F., Wooster, Ohio.
Seldon, E. D., Saratoga Springs, N.Y.
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Smith, Eugene, 33 Pine St., New York City.
Smith, George W., President Trinity College, 115 Vernon St., Hartford, Conn.
Smith, Stephen, M.D., New York.
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Smyth, Rev. H. M., Gloversville, N.Y.
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Starr, Miss Marian E., Burlington, Iowa.
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Stone, George H., Thompsonville, Ga.
Straus, Isador, 42 Warren St., New York City.
Straus, Oscar S., 42 Warren St., New York City.
Sunderland, Rev. J. T., Ann Arbor, Mich.
Swartz, James S., 307 Walnut St., Philadelphia, Pa.
Swift, Edward Y., Detroit, Mich.
Talbot, Mrs. I. T., Hotel Kensington, Boston.
Talcott, J. B., New Britain, Conn.
Taylor, Prof. Graham, Chicago, Ill.
Taylor, James R., 268 Henry St., Brooklyn, N.Y.
Terry, Seth S., 10 Wall St., New York City.
Thiry, J. H., Long Island City, L.I.
Thurber, F. B., New York City.
Torrance, David, Birmingham, Conn.
Townsend, James B., Calumet Club, New York City.
Townsend, Prof. W. K., New Haven, Conn.
Vaughan, J. C., 148 West Washington St., Chicago, Ill.
Villard, Henry, 15 Broad St., New York City.
Ward, W. E., Port Chester, N.Y.
Waring, George E., Jr., New York, N.Y.
Warmouth, H. C., Lawrence, La.
Warner, Hon. A. J., Marietta, Ohio.
Warner, Charles Dudley, Hartford, Conn.
Warner, John De Witt, New York City.
Wayland, C. N., 9 West 36th St., New York City.
Wayland, Mrs. Francis, New Haven, Conn.
Wayland, Rev. Dr. H. L., Philadelphia, Pa.
Welch, Miss Margaret, 35 Jefferson Ave., Brooklyn, N.Y.
Wells, Edward W., 34 Prospect St., Hartford, Conn.
Wheeler, E. S., New Haven, Conn.
Wheeler, J. Davenport, care Prof. Francis Wayland, New Haven, Conn.
White, Alfred T., 40 Remsen St., Brooklyn, N.Y.
Willcox, W. F., Ithaca, N.Y.
Williamson, Miss E. E., Elizabeth, N.J.
Wilson, George G., Brown University, Providence, R I.
Wolcott, Mrs. Harriet F., Boston.
Wolf, Miss Alice R., 1251 Westminster St., Providence R.I.
Wood, Frederic, 245 Broadway, New York City.
Woolsey, Theodore S., New Haven, Conn.
Wright, Carroll D., Washington, D.C.
Wyman, F. A., 131 Devonshire St., Boston.
Young, Charles L., 71 Mount Vernon St., Boston.
Young, Henry L., Poughkeepsie, N.Y.

LIFE MEMBERS.

Massachusetts.

In Boston.

Angell, George T., Montgomery Pl.
Barnard, James M.
Barnard, Mrs. James M.
Blatchford, J. S.
Bradford, Gamaliel, 113 Exchange St.
Eliot, Mrs. Samuel, 44 Brimmer St.
Endicott, William, Jr., 10 Mount Vernon St.
Farwell, Mrs. A. G., 16 Beacon St.
Forbes, John M., 30 Sears Building.
Lincoln, Dr. D. F.
Lodge, Mrs. J. E., 31 Beacon St.
Pierce, Hon. Henry L., 158 State St.
Robeson, William R., 212 Beacon St.
Wigglesworth, Edward, M.D., 188 Beacon St.
Wolcott, Roger, 53 Tremont St.

In Concord.

Sanborn, F. B.
Sanborn, Mrs. Louisa L.

New York City.

Cole, William A., 41 Broad St.
Dike, Henry A.
Dodge, Charles C.
Dodge, William E., Jr., 11 Cliff St.
Herrman, Mrs. H., 59 West 56th St.
Hewitt, Abram S., 17 Burling Slip.
James, D. Willis.
Libbey, Jonas M., 47 Park Ave.
Stokes, Anson Phelps, 47 Cedar St.
Stokes, I. N. Phelps.
Stokes, Thomas, 47 Cedar St.
Villard, Mrs. Henry.
Ward, J. Q. A., 9 West 48th St.
Ware, William R., Columbia College.
Young, J. Edward.

Elsewhere.

Hammond, W. G., St. Louis, *Mo.*
Hoyt, J. W., Cheyenne, *Wy.*
Lawson, Rev. Albert G., 308 Penn St., Camden, *N.J.*
Letchworth, W. P., Portageville, *N.Y.*
Smith, Prof. Goldwin, Toronto, *Can.*
Wayland, Francis, LL.D., New Haven, *Conn.*
White, Andrew Dickson, Ithaca, *N.Y.*
Wolcott, Miss Ella L., Elmira, *N.Y.*

HONORARY AND CORRESPONDING MEMBERS.

In America.

Prof. J. Irving Manatt, Providence, R.I.
Henry Barnard, LL.D., Hartford, Conn.
Major-Gen. O. O. Howard, Portland, Ore.
Edmund A. Meredith, Esq., care The Toronto Income Trusts Co., Yonge St., Toronto, Can.
Hon. Domingo F. Sarmiento, Buenos Ayres.
Lewis A. Sayre, M.D., 795 Broadway, New York.

In Great Britain and Ireland.

Sir Walter Crofton, The Close, Winchester.
Lord Radstock, London.
Miss Frances Power Cobbe, 24 Cheyne Walk, London, S.W.
Henry Dunning McLeod, Esq., Oxford and Cambridge Club, London.
Alfred Field, Esq , Birmingham.
Thomas H. Barker, Esq., Manchester.
Henry W. Ackland, M.D., F.R.S., Oxford.
Miss Edith Simcox, London.
Miss Louisa Innes Lumsden, Glenbogie, Rhynie, Scotland.
Herbert Spencer, Esq , London.
Miss J. Francis Dove, St. Andrews, Scotland.
Lord Hobhouse, 15 Bruton St., London.
Prof. James Bryce, M.P., London.
Geoffrey Drage, Esq., London.
Moncure Daniel Conway, Esq., London.

In France.

M. Emile Muller, Paris.
M. Joseph Garnier, 14 Rue Richelieu, Paris.
M. August Laugel, 19 Rue de la Ville l'Évêque, Paris.
M. Émile Cacheux, Paris.
M. Émile Trelat, Paris.
M. F. Buisson, Paris.
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[Read Monday evening, August 30.]

It is the peculiar province of this Association to study those principles upon which American society is based and by which its conditions are controlled.

Laws may be passed and repealed in quick succession; individuals may rise to positions of commanding influence, only to be swept off in a moment into political oblivion by a sudden turn of party tide; the rules of science, the inductions of philosophy, accepted for ages, may, as some new door of Nature's laboratory is unlocked, shrivel into ashes before the issuing flame. But in every land, civilized or barbaric, where a strong race has long made its home, there will be certain institutions of civil society that have grown up to slow maturity, so rooted in the soil that they form part of the nation's life, and make its history.

It is to such an institution that I desire this evening to direct your attention,— an American institution, and one that, as the centuries roll on, is destined, I believe, to exercise greater and greater power in determining our country's destiny.

Among the constitutional governments now existing in the world the United States ranks as the oldest but one. It is, indeed, fairly open to question if our place is not the first. Great Britain, since our Constitution was adopted, by her union with Ireland and the introduction of a hundred Irish members into her House of Commons, followed by the Reform Bill and the recent Franchise Acts, has essentially changed the character of that body, and transformed a monarchy into a representative democracy; while the new name of Empress of India given to her titular sovereign seems but to mark the abandonment of her ancient colonial policy, too mild for an Oriental race, too rigorous for the great English-speaking dominions that have risen up under her flag, to gain for themselves, one after another, substantial autonomy.

The United States are the offspring of a long-past age. A hundred years have scarcely passed since the eighteenth century came to its end, but no hundred years in the history of the world has ever before hurried it along so far over new paths and into unknown fields. The French Revolution and the First Empire were the bridge between two periods that nothing less than the remaking of European society, the recasting of European politics, could have brought so near.

But back to this eighteenth century must we go to learn the forces, the national ideas, the political theories, under the domination of which the Constitution of the United States was framed and adopted.

There is something in that instrument that gave it coherence and vitality, something on which we have built up institutions that are real, traditions that are imperious, a national life that is organic, a national history of which no civilized man is wholly ignorant, a national power that is respected on every sea.

What is it that has brought us on so far, and given us an undisputed place among the great powers of the world? Is it a broad land and a free people, equal laws and universal education? Yes; but how are those laws administered? How are the forces of this great government that rules from sea to sea across a continent directed and applied? How and by whom?

I think it may be fairly said that, of the leading powers of the world, two only, in our time, represent the principle of political absolutism, and enforce it by one man's hand. They are Russia and the United States.

The Czar of Russia, indeed, stands for Russia in a broader sense than that in which we can say that the President of the United States stands for them. The people of the United States have not put all their power in the keeping of all or any of their temporary rulers. They are the sleeping giant that, sleeping or waking, is a giant still. Their word is still the ultimate rule of conduct,— their written word. But, when they gave their assent to the Constitution of the United States, they created in it the office of a king, without the name.

They set the key, also, by this act, for our State governments and municipal governments.

The royal prerogative of pardon, which belongs to the President without limits, except in cases of impeachment, has been

given to one after another of the governors of our States. Their appointing power is like his: their veto power is like his. Of the statutes passed this year by the legislature of the State in which we are convened,* nearly one-third — in all, over five hundred — failed of effect for want of the governor's approval.

In city governments the authority of the mayor has been continually increased. He is held personally responsible for a fair and honest administration of municipal affairs; and each department under him is coming to be under the direction, not of some non-partisan board, but of one man, removable at the mayor's will, and taking his instructions from him.

But the hour which is allotted to this address will only suffice for a brief and partial consideration of the centralization of power in the federal government.

In form, at least, there is less of national character in our executive than in our judicial department. The judges of the United States have no relation to the States except that the Senate of the States must confirm their nominations. The President, on the other hand, is chosen by the votes of local electors, appointed by each State for itself, and meeting separately in distant capitals. Three of these electoral votes are forever secured to the smallest State, so that a President may be — as, in the case of Hayes, a President was — elected by a majority in the electoral colleges, when the opposing candidate received the approval of a majority of the whole people. So, again, should the electoral colleges fail to make a choice, the States come together to take their place, like so many sovereign powers in an imperial diet, each casting in the House of Representatives an equal vote.

But, once elected, the President during half the year is the United States more truly than ever Louis XIV. was France.

Our people had tried, during the Revolution and after the Revolution, the experiment of a confederacy without an executive head. They knew the evils of a weak administration, and they were determined to have an energetic one. They were ready to pay the price by submitting to a system of personal government.

Had there not been, in 1787, a person at hand, to whom all eyes were turned with unfaltering trust, it is more than doubtful whether the Constitution, as thus framed, could have been rati-

* New York.

fied. Had they fully understood the great powers with which it invested the President, it is certain that it never would have been.

Hamilton and Madison in the *Federalist* minimized these powers, to conciliate popular support. It was, in truth, impossible to predict beforehand what they were to prove. Pinckney, at the close of the convention, spoke of the new President as an officer of "contemptible weakness and dependence." Jefferson, on the other hand, wrote from Paris that he seemed "a bad edition of a Polish king," and would contrive to hold his power by successive re-elections for life. Between these views time was to decide.

A constitutional government is not constructed in a day. A constitution may be; but it is born into the world a helpless babe, to be nurtured and re-created by its environment and associations. Constitutions do not make history. History makes them. They may indeed be constructed in a day, but they cannot be construed in a day. The men who put such a document together do not know, cannot know, the meaning of their own work. It is what it comes to be. It is what later generations make it.

Plato tells us in his Republic that governments must change with every change in the character of those who constitute the political society, and in their relative conditions of life.

Think of the United States as they were in 1787, occupying a narrow strip of the Atlantic seacoast; engaged only in agriculture; with no city larger than Utica or Savannah now is; with capital still so far in the hands of individuals that there were probably not a hundred business corporations in the whole country; with mails carried through half the States on horseback and at irregular intervals, if at all; and tell me if the President of such a people could, except in name, be the same as the President of the United States of to-day?

There were two theories of the executive before the convention of 1787.

Sherman insisted that the executive magistracy was really nothing more than an institution for carrying the will of the legislature into effect, and, therefore, that it should be confided to one or more officials, as experience might dictate, appointed by that body and removable by that body.

Madison contended for the other view,— that the executive was a representative of the people rather than of their legislators.

During the century that has passed since then, England, following the principle preferred by Sherman, has reduced her sovereign to a mere representative of the legislative will; and we, following the principle preferred by Madison, have raised our executive to the position of an elective king, chosen by the people, and responsible only to them,— a king who for a four years' term rules in his own right.

One of the most significant debates in the convention of 1787 was that over the proposition to surround the President with an executive council. Had it been carried, and his will thus subjected in any measure to cabinet control, the very foundation of our government would have been changed. It is the absolute supremacy of the President within his sphere of executive action, responsible to his own judgment and to no other man's, that has been the mainspring of our political system. Custom and convenience have brought the heads of departments together, in the presence of the President, at stated meetings for consultation, and, when he asks it, for advice. We call them members of the cabinet, but they have as such no standing before the law. No sultan in the presence of his divan is as uncontrolled and absolute as the President of the United States at a cabinet meeting. Others may talk: he, only, acts.

It was an observation of Sir Henry Maine that the success of the United States "has been so great that men have almost forgotten that, if the whole of the known experiments of mankind in government be looked at together, there has been no form of government so unsuccessful as the republican."* And why unsuccessful? Because it was always inefficient in emergencies. Because it had no political centre. Because no free people had been intelligent enough to know that a strong and stable government is the best government, provided it is first kept within narrow bounds, and then administered in the public interest.

The first step toward strengthening the executive power was taken by the First Congress in its decision in favor of the right of the President to dismiss his subordinates at will. The *Federalist*

* Popular Government, p. 202.

had adopted the other view. The argument that, if confirmation by the Senate were necessary to appointment, it must also be necessary to removal, was logical; but in politics practical considerations are often stronger than logical ones. If the President was invested with the whole executive power of the United States (and so the Constitution reads); if he is to be held responsible to the people for his executive action (and certainly he must be),— he ought to have no agent in his service who has lost his confidence, no man on whose judgment he must rely, whose judgment he distrusts.

In the form of constitution adopted by the Southern Confederacy in March, 1861, the President's power of removal was essentially restricted. It should have been; for the guiding principle of that short-lived government was to secure at every point where it was practicable the sovereignty of each State, and to yield as little as possible to the Confederate authority.

During the administration of Washington came another step in the development of the Constitution, in the act on his part which nearly precipitated us into a war with France. The President, says the Constitution, is to receive public ministers. It follows, said the first President, that I can refuse to receive them, or, if I find reason to be dissatisfied with them, can request their recall. Genet was recalled, at his request, and the beginning thus established of a long line of diplomatic precedent, which has made the voice of the President, as to foreign nations, the only recognized expression of the sovereign will of the United States.

Federal taxation was no more popular under Washington than it is under McKinley. It became necessary for the government to show its teeth, and in 1792 was passed the first national militia law. In case the execution of the laws of the United States should be opposed in any State by combinations too powerful to be suppressed by the courts or marshals, it was made lawful for the President to call out the militia of the State; and, should they refuse to act and Congress not be in session, the militia of other States, in such numbers as he might think necessary. It was also provided that every able-bodied white male citizen between eighteen and forty-five, with few exemptions, should be enrolled in the militia, and that the President should appoint an adjutant-general in each State to act as such, subject to the orders of the

governor. It was by virtue of these acts that Washington found the means to put down the Whiskey Rebellion in Pennsylvania; and, while the general policy of Congress has since been to trench less on the military powers of the States, the militia of the United States, such as it is, has necessarily and always, when in actual service, been under the command of the President, by constitutional right, and, as the Supreme Court decided in Martin *v.* Mott,* it is for him alone to determine when it is fit to call them out.

So, in regard to our standing military and naval establishment, the orders of the President are always absolute.

They may involve the pulling down or setting up the government of a State. Such was the effect of Presidential interposition in Dorr's Rebellion in Rhode Island, when the courts declared † that whichever government he recognized as the true and lawful one they must respect.

They may bring a sudden stop to combinations of labor, which have put great railroads at their feet and the commerce of the country in peril.

They may compromise our relations with foreign powers, and even authorize an invasion of foreign territory or the blockade of ports ‡ before Congress has declared the existence of war.

And, when a state of war is fully recognized, what shall we say then of the limits of Presidential power? As it was practically administered during the Civil War, it extended, in States that were not the seat of active hostilities, to domiciliary visits; to arrests by military warrant; to trials by military courts, ending in decrees sometimes of exile and sometimes of death. The courts and the bar, as you well know, were at the time divided in opinion as to the question of right. The Chief Justice of the United States denied that the President could suspend the privilege of the writ of *habeas corpus* where there had been no proclamation of martial law; but even he did not venture to enforce his decision by process of contempt. At this point Taney yielded before Lincoln, as Marshall had yielded before Jefferson as to the subpœna issued and disobeyed on the trial of Aaron Burr. Finally, after the close of the war came the decision in Milligan's case, annulling a sentence of death passed by a military commission, sitting in Indiana, for a political offence; but a decision rendered by a divided court, four of the nine judges, with the then Chief

* 12 Wheat. 19. † Luther *v.* Borden, 7 How. 1. ‡ The Prize Cases, 2 Black. 635.

Justice at their head, holding that, in time of insurrection or invasion, the President might rule by martial law, when public danger required it, and there was no opportunity for Congress to act, in any part of the United States, though not the actual seat of war, if he found the ordinary law inadequate for public protection.*

It was Macaulay's criticism of the Constitution and government of the United States that we were "all sail, and no rudder." He uttered it in the first half of the century, that half divided for us by so wide a chasm from that now closing,— the chasm of the Civil War.

No one who watched the progress of that great contest would have failed to see that there was rudder no less than sail. There was a rudder, and there was but one man at the helm. Lincoln's course may be commended or condemned; but this, at least, all must agree,— that his personality dominated the course of political events during those stirring years from 1861 to 1865. It was far from being a consistent course. The Constitution, on his accession to the Presidency, did not seem to him the same thing that it grew in his mind to be, as the long struggle wore on. He came to feel, as he wrote in 1864, "that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the nation." This is a doctrine without limits, in the mouth of a military commander in time of war. It led him to the proclamation of emancipation, as imperial a decree as that by which the Czar of Russia, in the same year, abolished serfdom in his dominions. We need not stop to ask whether this proclamation was a legal act. It is one of the great facts of human history. Its practical consequences were immeasurable; and, whatever else it accomplished, it demonstrated the absolute power of an American President, whether it be rightfully or wrongfully exercised.

But it is not to times of war that one should look for authoritative definitions of political powers. Those of every department of government are then commonly strained to the utmost, and all tend to support the military arm.

When Lincoln assumed to suspend the privilege of *habeas corpus*, Congress came to his aid by an Act† formally investing him with such a power, to be exercised anywhere and at any time at his discretion, and granting immunity for any acts in restraint of

* *Ex parte* Milligan, 4 Wall. 2, 142. † Of March 3, 1863.

liberty done at his command. Similar action was taken in the Confederate Congress to strengthen the hands of President Davis; and his influence in shaping legislation was even more evident and effective, throughout the war, than that of President Lincoln at Washington.

Let us go back to times of peace, and ask which President was the first to startle the country by the exercise of powers not before generally thought to appertain to the Executive Department.

It was Jefferson, when in 1803 he bought the Louisiana territory from Napoleon, and by a stroke of his pen doubled the area of the United States. It inevitably moved the centre of political rule to the valley of the Mississippi. It destroyed the existing balance of power between the States. But it was fortunate that under our political system there was one man able thus to commit the country, without consulting it, to so great a departure from its earlier traditions.

A generation later, another executive act proved that the President was stronger than any combination capital could form, though supported by far-reaching political influences. The United States Bank was the greatest financial institution which the United States have ever seen. It had paid a million and a half to the government for its charter. It was made by act of Congress the standing depository of the cash funds of the United States, unless at any time the Secretary of the Treasury should order their withdrawal. President Jackson believed that the affairs of the bank were being improperly conducted, and requested the Secretary of the Treasury to remove the deposits. The Secretary declined, stating that he saw no reason for it, and that the authority to decide had been lodged with him. His removal followed, and a successor was appointed who promptly complied with the President's wishes. The Senate denounced Jackson's action as unwarranted by the Constitution. He sent in a protest against this resolution, which they voted to be a breach of privilege. A commercial crisis followed, which shook the country to its foundation, and by one of the great parties of the day was attributed to Jackson's act. Whether the cause of it or not, the removal of the deposits was certainly the occasion; and it came by the absolute will of the President alone.

It was Jackson, also, who first showed the people how almost irresistible, in strong hands and on great occasions, is the force of the executive veto. It is the common prerogative of royalty, but one to which modern royalty seldom dares to resort.

Queen Victoria has, in law, the same absolute veto power as to every bill which Parliament presents to her for the royal assent which Queen Elizabeth or William the Conqueror had. But does she use it? No English sovereign since the Hanoverian dynasty came in has ever used it, and none ever will. And why? Because it is an absolute power, and because no men of Anglo-Saxon stock will ever again stoop to absolute power, exercised by hereditary right.

The disuse of the royal veto has brought on a silent but fundamental change in the whole system of British government. The ministry, unwilling to ask the sovereign to approve a bill that they do not, if such a measure is forced upon them, resign their offices or dissolve the Parliament. As the crown cannot be held responsible to the people, the ministry must be — a vicarious sacrifice at the altar of liberty.

In every form of government that stops short of despotism the people must have some share or some semblance of a share in legislation, either by way of origination or approval.

In the palmiest days of monarchy in France the edicts of the king were submitted for registration to the parliaments of justice; and the convocation of the States-General was always in reserve. Under the reign of the Cæsars the absolutism of the Emperor was rested on the assumption that the people had delegated to him their powers and the functions of their tribunes to intervene for them to defeat an unjust law.

But the American veto is supported by no legal fiction and impeded by no fear of popular discontent. During his short term of office, and because of his short term of office, the President of the United States may set down his foot at any point, and oppose his individual will to the judgment of the whole people speaking by their representatives, and of all the States, speaking by their ambassadors in the Senate. If such a veto is sent in during the closing days of the session, as Congress is now constituted, with so great a number of members in each of the houses, and the opportunity for unlimited discussion in one, it is almost certain to be fatal to the bill; and under any circumstances it is fatal, if the President and Congress are in general political accord.

But, if they are not, what then? He has a greater prerogative in reserve.

The executive power of the United States, and the whole of it, is vested in this one man. What are laws, if they are not executed?

And who is to judge except the President, or above the President, whether an Act of Congress, which he is called upon to execute, is or is not such an Act as Congress had power to pass?

We have, indeed, now passed from questions of expediency to questions of jurisdiction.

The President can veto a bill because he deems it inexpedient or because he deems it unconstitutional. He can only decline to execute a statute which has become such without his approval, because he believes it to be no law at all. But the absolute power of decision, and of action or inaction, in either case, is equally in him.

This was the position of Jefferson and of Jackson, but it required the Civil War to make it an unquestioned principle. You recollect the occasion. In every one of the States south of Kentucky society was confused and disorganized. The *status* of almost half the population had been revolutionized. The natural political leaders had been set aside. A general readjustment of civil government to meet all these new social conditions was necessary. President Lincoln and after him President Johnson proposed to accomplish it by the exercise of the executive power. Temporary governments were set up under military authority. Executive orders were issued, authorizing popular elections, under certain conditions, to replace military by civil rule, and home rule. Congress interposed to prevent it. The "Reconstruction Laws" were enacted, and others, intended to subordinate the President of the United States, as to military affairs to the general then in command, and as to civil administration to the will of Congress. These acts were vetoed. They were passed over the veto. They were disobeyed. The President was impeached; and the one vote that saved him from conviction, I might almost say, remade the Constitution of the United States. If such a President as Andrew Johnson, so defiant of opposition, so abusive to his opponents, so distrusted by the party that had elected him, on the one side, and by the party which had rejected him, on the other, could not be successfully impeached for following out, in matters so all-important to the people and the States, his view of the Constitution against that of Congress, no President ever could be.

The same thing is true of a difference of opinion as to his constitutional duty between the President and the courts. You recollect Jackson's declaration, when he vetoed the recharter of the United States Bank, that he had sworn to support the Constitution

as he, not others, understood it, and that the authority of the Supreme Court must not be permitted to control either Congress or the executive, when acting in their legislative capacities. It was left for another Tennesseean, in another generation, to vindicate the doctrine that the President was equally independent of the courts, when acting in his executive capacity.

Can the President be prevented from executing an act of Congress which the Supreme Court considers to be unconstitutional and void?

This was the great question which Mississippi brought to the bar of the Supreme Court of the United States in 1866.

The Reconstruction Acts, to which I have alluded, purported to set aside the existing governments of certain States,—governments existing by the authority or sanction of the President as Commander-in-chief of the military power of the United States. Mississippi was one of these. She asserted that these statutes were unconstitutional and void, and sought leave to file a bill for an injunction to prevent President Johnson from undertaking to enforce them. No one would have been better pleased than he to see them fail. But he knew that it was his duty to defend the dignity of his great office. By his direction the Attorney-general opposed the motion of the State of Mississippi. It was denied; and the case of Mississippi *v.* Jackson* established by judicial decision what had been only feebly and sporadically claimed by Johnson's predecessors, that the President was the absolute judge of his duty in the execution of a statute, subject only to the power of the courts to pass upon the legal effects of his action, should they afterward become proper matters of judicial controversy.

We have seen how far the military powers of the executive may serve as a warrant to interfere with the administration of justice in State courts. In time of war and in the presence of war, it extends to their temporary abolition. When enemies' territory is occupied, or territory to which the rules of public law assign that name, though it be that of a State of the Union, the President can replace its courts by courts of his own, exercising both civil and criminal jurisdiction, and disposing of life, liberty, and property, not as instruments of the judicial authority of the United States, but as instruments of the executive authority. Such was President Lincoln's Provisional Court, established by a mere military

*4 Wall. 475.

order in Louisiana in 1862. Four years later Congress ordered its records transferred to the Circuit Court for the Eastern District of the State, and made its judgment in legal effect the judgments of that court.

The validity of this legislation was attacked, but it was finally supported by the Supreme Court of the United States;* and under this decision, in the case of the "Grapeshot" what were really decrees of the President, speaking by his military deputy, the judge of the Provisional Court, were made to stand for and virtually become, by legislative action, the judgments of a regularly constituted judicial tribunal, which could only have pronounced them by virtue of its judicial powers.

But how far, in time of absolute peace, can the President of the United States, in the exercise of his civil authority, interfere with the police of a State, and set aside its ordinary course of justice? Let Neagle's case, which arose from threats of violence against Mr. Justice Field of the Supreme Court, give the answer. The President can surround civil officers of the United States, within a State, with armed guards, who can defend them even to the death, without responsibility to the State whose peace may be disturbed. He may send such guards in the train of every judge upon the circuit; and, however they may overstep the line of duty, the State cannot call them to account. There is, says the Supreme Court, a peace of the United States as well as of the State, which is broken by an attack upon such an officer; and, although the peace of the State be also broken by the defence, this can be determined only by the courts of the United States.†

I have spoken of the President as the sole representative of the United States in our dealings with foreign nations, except, indeed, that the ordinary executive prerogative of declaring war has not been confided to him. If he cannot declare war, however, he can create one.

Take, for instance, his power, to which I have already alluded, of receiving foreign ministers. To receive them as coming from what foreign sovereigns? From such, and such only, as he may choose to recognize as sovereign. From Hawaii, if he chooses to recognize the Hawaiian Republic. From Cuba, if he chooses to

*The "Grapeshot," 9 Wall. 129. †Neagle's Case, 135 U. S. 1.

recognize the Cuban Republic. Such an act of recognition, in case of a political revolution that has obtained temporary success, may obviously constitute a *casus belli* in favor of the former government, should it ultimately prevail.

In all America that lies south of us we have long taken an especial interest. As to the foreign relations of our sister republics there, we may almost say that our will is law; and our will is uttered by our President. Let one of these republics complain to him of encroachments threatened by a European power. It is Mexico, struggling to free herself from an Austrian emperor sent and supported by Louis Napoleon. At a few words from our Department of State, in the name of President Johnson, the French troops are recalled, and Maximilian is led to execution. It is Venezuela, charging England with pushing too far the boundaries of British Guiana. A sudden message to Congress from President Cleveland asks for the appointment of a commission to aid him in determining which nation is in the right, and intimates that, if Venezuela proves in the right, she shall have right done. In an hour, by this executive act, we are brought face to face with a question of war with the leading power in Europe, and the danger of it passes away through a diplomatic correspondence, for the issue of which the President was again alone responsible.

The very ground of our interference in this quarrel of Venezuela,— what was it but a doctrine proclaimed, and indeed invented, by a President of the United States? The Monroe doctrine has laid down the law for our hemisphere, and it was the single act of one executive department.

Has any sovereign in Europe, of his own motion, ever done as much?

The place of the President in our government was prepared for those who could be safely trusted with imperial power,— for ideal heroes of the nation whom the leaders in each State, chosen by the people for that sole purpose, in the secret conclave of the electoral college, might agree on, must agree on; for in no nation at any time can there be more than one to whom all true men look as the foremost citizen.

The framers of the Constitution sat in convention under the Presidency of such a hero. It was for Washington that they prepared the place of President of the new republic. It was by such

as Washington that they hoped the powers of this great office would be administered, when he should fill it no longer.

Their forecast has been but half fulfilled. The electoral colleges have sunk to the condition of so many patent voting machines. They are a survival of the unfittest. Human government, like natural government, is administered, in the long run, on the principle of natural selection; but we are more apt to change the substance than the form of political institutions. England has slipped into a republic without knowing it. They keep their Queen, indeed, and are proud of her reign of sixty years,— how proud, the pageants of this summer have well shown; but she is little more than an historical curiosity. Our Presidential electors were brought into being as the safest and surest way of declaring the will of the people. We have found a better way, in national conventions of great parties, and the popular verdict upon their work, at the polls; but, by the force of the *vis inertiae*, we still cling to the outworn form of the electoral college.

The tailors persist in sewing two buttons on the backs of our coats, because in the England of the Tudors, when all travelling was done on horseback, one had to button back the skirts of his riding coat, to keep them from flapping and fraying against the saddle-bags. The tailor is the despot of modern society, and he still insists on his two buttons, though we have forgotten their use; and so the electoral colleges seem destined to cling to the skirts of the Constitution, simply because nobody cares to take the trouble to have them cut out.

Their purpose was good, but it has become an impossible one. Only a great war can give us again a national hero, and even then the successful general can never be President unless he is formally adopted as the candidate of a great party.

The successors of Washington have been often weak men,— never, as yet, bad men; but it is hard to name more than three of them who can in any sense be termed the heroes of the nation. The great powers, however, are always there, if the great man is not; and every generation has made them powers greater still.

Time has also brought a greater permanence to them.

Thrones are allowed to descend by hereditary succession, because it is believed that the son is most likely to follow the policy of the father, and to resemble him in character.

The election of our Vice-President is arranged with a similar

view; but for a hundred years the vacancy that might occur by the event of his death was left by Congress to be filled by officers chosen by one or the other House of Congress.

What might have been expected, finally happened. A Vice-President became President, and the legislative officer next in succession was of a different political party. It was a time of deep party feeling, and there was serious danger that the President might be pushed from his place to make room for a representative of widely different views, coming into power, perhaps, by his own vote as a member of a court of impeachment. Twenty years later, when passion had had time to cool, a wiser law was enacted, under which the President, in such a case, names, in effect, his own successor, and so secures the continuance of the same policy until the people have had another opportunity to declare their will.

Aristotle said that the principle or spirit of two governments, widely different in political form, might be the same.

The principle of despotism may exist in any government. It may dominate in a democracy. It does when the popular majority legislates at will on matters of individual liberty or property. Despotism was never more terrible than in the hands of the people in the French Revolution.

We need not be surprised, therefore, that beginning in 1787, by granting our President more extensive powers than the chief magistrate in any democratic confederation had ever received before in times of peace,* we have finally drifted into a kind of modified constitutional despotism. It was the logical outcome of our attempt to unite in one government the form of a confederation and the principle of a nation. If sovereign States were to be kept within the limits which the Constitution set, it must be by something in the nature of a sovereign power that was even greater than they. The people of the United States are greater than any or all of the United States, but they cannot meet together; and none to represent them can meet together, save in the extraordinary and yet unknown event of a second national constitutional convention. They must therefore speak by the chief magistrate of the republic; and so has come his transcendent power.

I have compared that power with the authority exercised in his dominions by the Czar of Russia. It has become a political

* 2 Woolsey's "Political Science," p. 258.

aphorism that Russia is governed by despotism, tempered by assassination. Enhance human power to a certain point, and it becomes to some men intolerable. As we look back on the dagger of Booth and the *Sic semper tyrannis* with which he struck home his blow, at the shot of a disappointed office-seeker that cost the life of President Garfield, we cannot but feel that there are fanatics in America, also, who proceed by the methods of fanatics, and are actuated by the blind impulse of destruction in the presence of political absolutism.

But such men are few. There is despotism in American government; but all who look at it with open eyes and honest hearts know that it is despotism in reserve and despotism in division. Russia would centre absolute power once and forever in a single man. We part it between three departments of government; and, however great the share of the executive may be, it is still kept within limits, and held, at most, only for eight years. I say for eight, because American tradition has made a third term impossible.

Our ultimate despot is the people of the United States; but they are the knights in armor that from generation to generation may slumber in the enchanted chambers of the eternal hills. They lay down to rest when a declaration of their rights had been added to the Constitution of the United States by its first ten amendments in the third year of Washington's administration. They rose to action for a moment when, three years later, they found that their ministers of justice had so far misunderstood their meaning as to hold a sovereign State subject to the federal jurisdiction, at the suit of a private individual. Again, at the beginning of this century, they awoke, when party machinery had so far controlled personal patriotism that Aaron Burr had almost been seated in the place which they designed for Thomas Jefferson.

A longer period of inaction followed till the time came to proclaim by law what had been before only asserted by the sword, that slavery had become incompatible with free institutions. But the long war that made freedom national had done much more. It had struck at States. It had conquered States. It had borne down with its strong hand barrier after barrier set by former generations to guard that vast and indefinable domain of rights "reserved to the States respectively, or to the people." It had

brought into existence a new class of persons,— a great class utterly unfitted to their new position, surrounded by those who had been their masters, distant from those who had been their liberators.

Two great things remained to be accomplished. These millions of slaves, new born into freedom, must be protected in it or given some means of self-protection. And these new relations of the States to the United States, of the old States to the new nation, must be more definitely marked and secured.

Again, the knights in armor stirred in the enchanted chamber. The fourteenth amendment succeeded the thirteenth. The fifteenth soon followed; and the chapter of the Civil War was closed.

But the freedom of the slave was the least of its political consequences. These three amendments of the Constitution readjusted and reset our whole system of fundamental law.

Down to 1868 each State had said for herself, My people shall be free from arbitrary arrests; their liberty and property shall be secure, their rights equal, the law impartially administered, the stranger within my gates protected from wrong as fully as my own sons. Now came back for a brief moment to the scene of action the people of the United States, to say, by the fourteenth amendment, that thenceforth every man should have their guarantee that the State would not recede from these obligations, but they should forever and forever be the foundation stones of American institutions.

Was this great change a welcome one to every State? You well know that it was not. Only absolute power, the absolute power of a three-fourths vote under a written Constitution,— the absolute power of a Congress with the right in each of its Houses to determine on the qualifications of its own members and the admission of members from any recalcitrant State, with the right to pack the jury, even, by admitting to Statehood a row of mining camps on barren mountains, and giving to Nevada an equal vote with Virginia or Massachusetts,— this is what forced the fourteenth, if not the thirteenth amendment, into organic law.

But there it is. It was a slight matter that it hastened the day of negro suffrage, and paved the way for the fifteenth amendment, passed two years later. Whenever and wherever the American negro has education enough to enable him to cast an intelligent vote, he will cast that vote; and he ought to cast it. And, when-

ever and wherever he has not such education, he ought not to vote; and, in the long run, he will not vote. Mississippi and South Carolina have put themselves upon solid ground in saying that education must be a condition of suffrage. It is no new doctrine. In the North there is more than one State in which such has been the law for nearly half a century.

The great change wrought by the fourteenth amendment has been to concede and perpetuate to the United States vast and far-reaching national powers, to unify and centralize their government for good or ill.

It has been said that the ideals of the Teutonic race have been in perpetual vibration from one period to another, as the pendulum of time swung to and fro across the ages between two social forces,— Individualism and Collectivism; between the cry of each man for himself, *Sauve qui peut*, and the broader note of each for all.

If absolute power has risen up in the United States and for the United States, during this century, to a height our fathers never contemplated, it is because we have departed from our Anglo-Saxon inheritance of Individualism; because the people demand more of their government, and have given it more. When Coleridge declared that

> "We receive but what we give,
> And in our life alone does nature live,"

he spoke what is, above all things, true of free institutions. For each of them the individual citizen has parted with something. They are the great result of a common contribution; and, whatever they give back, we who receive have paid for, are paying for, whether we recognize it or not.

It was Collectivism that wrote the fourteenth amendment, Collectivism that ratified it, Collectivism that enforces it. Does it protect individual rights, as in no land under the broad heaven they were ever, in any age, protected before? Yes; but only by the sacrifice of other rights of Individualism; only by extension of the sovereignty of the Union at the cost of the sovereignty of the State; only by giving to the courts new authority to control legislatures, and Congress new power to control the citizen; only by giving to the President new laws to execute, of such a kind as put him forward into fields before unoccupied.

In the impeachment trial of Andrew Johnson, one of the managers of the prosecution described the President as nothing but "the constable of Congress." Had that impeachment been successful, the contemptuous taunt might have seemed simple truth. It was not successful, because all honest men, not blinded by party passion, felt that the President held great constitutional functions, which made him, in his sphere, little short of the dictator of the republic.

I am glad that we have so great an officer. The foe that threatens American institutions to-day is not absolutism, but anarchy; not the tyranny of a man, but a tyranny of the mob. To meet it, we need the strong hand of power. If we were not a nation before the Civil War, we have been since. A nation must have a head. I have no fear that the President of the United States, absolute as he is within his sphere, will ever act the part of Cæsar. The foundations of American liberty are laid too deep. The checks of the Constitution, backed by the sentiment of a free and intelligent people, are ample for any strain.

Proudly and safely rides the ship of State into the opening harbor of the twentieth century,— prouder and safer because one hand, and one hand only, is on the wheel.

REPORT OF THE GENERAL SECRETARY.

BY F. B. SANBORN.

[Read Monday, August 30.]

Following the hint conveyed in that monitory Scripture which says, "Let not him who putteth on his armor boast as he who putteth it off" (or words to that effect), your General Secretary, on giving up the office which he has now held for more than twenty years, and the other secretaryship which was given him at the first organization of our society, in October, 1865, will perhaps be pardoned for some preliminary remarks of a personal nature, since he is the only person present who remembers that first meeting in Boston, and the circumstances which led to it.

It was at the close of our great Civil War, when the minds of men, warmed by the events through which they had so recently passed, and touched by a consideration of the new and strange future that seemed then to lie before us, were ready to unite in whatever promised benefit to the restored nation, that a few of us in Massachusetts conceived the thought of an association similar in purpose to that which Lord Brougham and his friends had inaugurated in England eight years before. To none of us was this thought more familiar than to the Massachusetts Board of State Charities (at that time the only one in the country), of which the late Dr. Howe, that eminent philanthropist and revolutionist, had just been made a member, soon to be for years its Chairman, and of which I had been for two years the Secretary.

It seemed fitting, therefore, that our Board should issue the invitation for the first meeting of publicists and philanthropists, educators, sanitarians and statisticians (with other persons of both sexes interested in social questions), which assembled in the Boston State House, and had for its President the illustrious war governor of Massachusetts, John Albion Andrew. As Secretary of the State Board, I wrote and circulated the call for this gathering, and naturally became one of its secretaries,— an office which I have held, actually or nominally, ever since. I was also able, through the State office I then held (to which Governor

Andrew had added the secretaryship of the first labor commission ever established in America), to make the people of New England and the rest of the country widely acquainted with the objects and methods of the new Association, and had as much voice as any one, perhaps, in directing those methods and defining those objects.

I was ably and generously supported by associates in this work, most of whom are now dead or retired from active pursuits. One of the earliest to die was our first President, Governor Andrew,— a man of great heart, strong convictions, and eminent services to his State and country. Dr. Howe, an older man, and one who from youth had been foremost in active work for the rights and the improvement of mankind, continued for eight years longer in the service of humanity, and on several occasions joined with our Association in labors which resulted in much good. He was active in that movement for the better instruction of deaf children, which soon resulted in the establishment of oral teaching at New York and Northampton,— the first time that this method, long practised with success in Europe, was given a fair trial in America, where it has since revolutionized the course of instruction for this special class. He was also foremost in the movement for decreased restraint, less medication, and a more natural and domestic treatment for the insane; and this, which was counted to Dr. Howe for heresy, especially in his own medical profession, is now the orthodox doctrine in all countries of high civilization.

In dealing with the difficult problems of prison discipline, our Association was fortunate in the membership of the elder Dr. Wines; of Mr. Brockway, long at the head of the best prison in the world,— the Elmira reformatory,— but then little known, and engaged in working out by himself, at Detroit, the system he has since so successfully applied; of Judge Washburn, in Massachusetts; and several ladies who were foremost in establishing special prisons for their own sex. The National Prison Congress at Cincinnati, in 1870, in which General Hayes — afterward President of the United States — took a prominent part, was called together, and in good part directed, by members of our Social Science Association; and its declaration of principles — which the course of prison reform in America has since closely followed and put in practice — was the work of Dr. E. C. Wines, Mr. Brockway, and myself. Out of this Cincinnati congress grew the international

congresses of Europe, and our own National Prison Association, of which latter I am now, perhaps, the only surviving corporate member, always excepting Mr. Brockway.

In 1874, being again the Secretary of the Massachusetts Board of Charities, of which I soon became Chairman, in succession to Dr. Howe, I called together at our Social Science meeting in New York City the first National Conference of Charities, since grown into so large and important an organization. It continued to meet with our Association until 1879, but has since held separate and much larger meetings than we have brought together in this, its parent society. It will meet again in New York next year, after four-and-twenty years, and after holding conferences in nearly all the larger cities of the land,— in Boston, New Haven, Baltimore, Washington, Louisville, Nashville, New Orleans, St. Louis, Denver, San Francisco, Omaha, Chicago, Milwaukee, Grand Rapids, Indianapolis, Cleveland, Cincinnati, Buffalo, and Toronto. Our own Association has been less peripatetic in its meetings, but probably its membership would have been much greater if it had followed the example of this lively child of our early affections. A truly national society in a country so vast as ours must travel from city to city if it would retain its hold on the respect and regard of the nation. If we allow ourselves to be one-sided in our place of meeting, we shall soon be reputed as one-sided in our aims and methods, whether we are really so or not.

In thus recalling to you what must be to most of those who hear me only ancient history, in which they had little or no part, I am following that natural inclination of the aged, from Nestor down, to exalt the past days at the expense of the present. Yet the first ten years of our Association (1865–75) were certainly more fruitful in visible results than the last ten years have been. Still, we have that singular consolation of old age,— to have outlived our contemporaries. The British Social Science Association, upon which ours was rather distantly modelled, has long since deceased; and we now are the oldest society of the sort in the world, I think. But, while we have grown gray in our quiet existence, other organizations, younger, more enthusiastic, or more laborious, have come into existence, and are achieving what we might have done, perhaps, if you had retained a secretary as active and persuasive to activity in others as Henry Villard, whom I succeeded at a long interval. Never has our Association grown in membership as it did in his time; and as I trust it may

yet do, under my successor. The example of certain French societies, of which I am to speak presently, may well stimulate us, and point the way to much which we have not done, but which they, with their wider membership and more efficient organization, have been for some years accomplishing, not only for France, but for the world at large.

The earliest of these societies, two of which owe their origin to an illustrious Frenchman, Frederic Le Play (born in 1806, died in 1882), was the "Society of Social Economy," dating from the year 1856, when Le Play had become famous from his book, "The Workingmen of Europe." His associates in the foundation of this society were: Michel Chevalier, the economist; Count Gasparin, the well-known friend of America; Cochin, the emancipationist; and many others of equal rank, but of varying opinions. Its work was to investigate facts scientifically, publish results, discuss conclusions, and train observers to an exactness capable of continuing the difficult investigations of Social Science. A second society of more rapid development, and more propagandist in its aim, was the "Union of Social Peace," founded by Le Play in 1872, directly after the national disaster and social convulsion of France, which terminated and followed the long misgovernment of the second Napoleon. This later society multiplied itself speedily into small local groups of social investigators, united to the parent society and having for their watchword the phrase "social reform" (*La Réforme Sociale*). A valuable periodical with this title has existed since 1880, and has included in its very interesting pages the studies, observations, arguments, and exhortations of what is called "The School of Social Peace," of which this periodical calls itself the organ.

It would be hard to exaggerate the importance of the investigations and publications made by these societies which claim Le Play as their founder; but the reader must always be on his guard against the prejudices, political, religious, and national, which unconsciously or consciously inspire these earnest economists and philanthropists. The same remark ought not to be made concerning the publications of the "Society of Social Economy"; but these are much less in evidence, and produced with far less vigor and continuity than those issued by the Le Play unions. Consequently, though it is convenient to speak of these two societies as one because they had a single founder, they are in fact to be distinguished from each other as dissimilar in

their spirit, though much alike in their rigorous methods of collecting facts by patient observation in most of the countries now inhabited by civilized man. The second great organization — if we consider the above as a single society with several branches — is much more recent in its formation, and quite peculiar in its methods.

The "Musée Social," founded in 1894 by the Comte de Chambrun, deserves attention from our countrymen, since it devotes itself to the study of questions in which we as a nation are much concerned. Its founder is also worthy of some notice even in a country where rich men give millions of dollars at once to endow universities, and hint that they may give more millions if they are allowed to make and unmake college presidents according to their millionaire whim. The Count de Chambrun is of an old French family, and long since married a great fortune, in the person of the heiress of a famous glass-making industry of Baccarat, near Luneville, which was founded in 1765 by the bishop of Metz, but which fell into the hands of Pierre Antoine Godard-Demarest in 1820, and now employs two thousand four hundred workmen. It has for many years yielded a large income, and seems to be the main source of the family wealth, the Countess de Chambrun being the grand-daughter of the Godard-Demarest who became proprietor of the works three-quarters of a century ago. The count himself is almost coeval with the property, having been born in 1821. Since his marriage he has passed through high political grades under the Second Empire and the French Republic, but retired from politics in 1879, and for eighteen years has devoted himself to music and social economy. His latest work has been to endow and organize the "Social Museum," just mentioned,— a name which hardly conveys to our ears the full meaning of his institution, to which he has conveyed property amounting to nearly $500,000. Its declared object is "to put gratuitously at the disposal of the public the documents, models, plans, statutes, etc., of social institutions and organizations whose aim and result is to ameliorate the material and moral condition of the laboring class." It renounces membership fees (having a sufficient endowment for the present), forbids political and religious discussions,— which are an important feature of the Le Play societies,— and has proceeded to furnish, during the three short years of its existence, the following eight kinds of social activity: —

1. A permanent museum of social economy, consisting of models and other material objects.
2. A library and writing-room in Paris, open to all without charge.
3. The imparting to all interested inquirers of all available information that may be asked for in regard to social undertakings.
4. Expert consultations, either in regard to the formation of societies, etc., which may be in contemplation, or concerning the actual state of existing establishments and the modification that may be desirable therein.
5. The establishment of lectures and lecture courses, and oral explanations for the purpose of elucidating the documents in the library, and of popularizing the methods of Social Economy.
6. Deputations for study and in vestigationin France and other countries.
7. Publications communicating the researches of the society of the "Social Museum," and the documents there collected.
8. The award of prizes and medals to recompense distinguished service, and the arrangement of competitions upon special subjects.

For the direction of this varied activity, eight sections or departments have been created,— not corresponding exactly to the above-named modes of service, but in fact covering them ; each section being managed by a committee chosen and proceeding pursuant to a system laid down by the founder, in accordance with French customs, but in no wise restricted as to opinions or utterances, except for the prohibition cited, of those fruitful sources of controversy, religious and political debate. It would astonish a Frenchman, if he were allowed to discuss a topic at all, to be told that he must conform his utterances to your taste or mine, as to opinions. He might recognize our right to intimate an impropriety in the manner, but not in the matter. Discussions in France are often prohibited ; but, if allowed, they must be free.

I have dwelt at some length on this interesting society,— a new Academy, in fact, for the propagation of exact knowledge on special topics,— because its future career will reward observation, whether it succeeds or fails ; and also because it furnishes useful hints for the management of our own Association, which needs, in some respects, to be changed and improved. I may venture to say this,— first, because it is obvious, and many of you would say it if I did not ; and, again, because I have had my full share in the policy heretofore pursued by us, either as suggesting it or consenting to it. We have had a certain degree of success, have done a part, at least, of our duty to our members and the public ; but we

have come far short of what might have been done. "This ought we to have done, and not to leave the other undone." And one reason for my withdrawal now as Secretary is that the Association may be the more free to adopt those changes of method which might by some be interpreted as a reflection on the course pursued by the older members and officers, of whom your Secretary may fairly be taken as a representative.

It must be plain to any close observer that the American Social Science Association (though never forfeiting its claim to a respectable place among those influences that have made for good in our national life since the Civil War) has not kept pace with the advancing needs of the country, and bears now a smaller part in its attempted mission than during its earlier period. For this many reasons might be given, some of them quite beyond human control. The rapid growth and changing conditions of our people would have made it impossible for any organization not fully in local touch with the different regions of our vast imperial democracy to adapt itself to the immense work which our scheme of department committees has seemed to imply. Neither in Education, in Public Health, in Trade and Finance, in Jurisprudence, nor in Social Economy could a body like ours, with members in less than half of our forty-five States, assume to know what subjects pressed for discussion everywhere, nor how to meet the public demand for suggestion and information. We needed a federation of societies for this,— not a single centralized band, however gifted or diligent in research.

The Conference of Charities, the Public Health Association, and the National Prison Association — children of our loins in some sense — have at least the framework of such a federation. They meet as the delegates from States and establishments, with a real representative quality which our gatherings have often lacked. Our society, on the contrary, might be charged, and possibly has been, with being a close corporation, proceeding in its selection of subjects and writers from personal and restricted views, and not opening to the great public that opportunity for discussion which is the best guarantee that truth will be elicited and recognized in our debates. The charge would not be true in any invidious sense; for among all the associations with which a long experience has connected me, first and last, I should be unable to name one that has sought truth more dispassionately or acted less partially in the investigation of truth. But all men have their limitations.

The whole is always more than any of its parts; and we have certainly suffered from the smallness of our active membership.

We have also been constantly hampered by the smallness of our annual income, which has made our meetings fewer and our publications scantier than the occasion demanded. We have never been able, pecuniarily, to carry out the suggestions of Horace Greeley, Henry Villard, Francis Lieber, Benjamin Peirce, and other distinguished members, in the copious distribution of the excellent material which our general meetings have always furnished. An endowment like M. de Chambrun's would have been everything to us.

Instead of such an endowment, it was proposed by the late Professor Peirce, when President of our Association, that we should connect ourselves with some university, like Harvard, Cornell, or that in Baltimore, hold our meetings in the university town at some time when the co-operation of the professors and advanced students could be secured, and allow the university to publish at its own expense our papers and discussions. Like much of our suggestion to our fellow-countrymen, this very sensible proposition was ten years in advance of the time. Several universities have since adopted measures inferior to what this would have been if vigorously taken up, even by a second-rate university. It might have had the inconvenience, however, of restricting us in the formation and expression of opinions, and in the marshalling of facts from which inferences are apt to flow, wherever the human reason is allowed to operate without the intervention of prejudice, bigotry, or pecuniary interest; since few American universities have found themselves able to encourage freedom of thought on questions where the local majority surrounding their halls and libraries was adverse to the utterance of truth. Some of us can remember when every old college in the country, and most of the new ones, were as unwilling to discuss the Ten Commandments in their application to negro slavery as our modern capitalists are to consider the same antiquated regulations as having anything to do with railroad dividends, coal mining, or the Standard Oil Company. This timidity of the learned class in America was not entirely overcome by the experiences of the Civil War and the emancipation of the negro.

I think it can be said of our Association that, while we have avoided most of those topics which at the time would have led to the angry and fruitless disputes of party politics or the bitter

antagonism of religious dissent, we have never abstained from declaring opinion at the proper time or from hearing all sides in those discussions which ultimately influence public opinion. Any other course would have been fatal to our reputation among men who think, even if they lack the courage to declare their thought in the face of angry multitudes or the powerful few, jealous of their wealth or privilege. Dr. Johnson remarked that, although courage (which he himself possessed to the verge of insolence) was not intrinsically a very great virtue, yet it was so necessary to the existence and manifestation of every other virtue that it could be spared less than most of them from human character. This was a sagacious observation, and one to which the human race have never failed to give its due weight; since mankind honor courage without virtue far more than all the heavenly graces without courage. But valor and fortitude, though they seldom fail to win applause, more rarely attract wealth; and it is an old saying that high thought must content itself with scanty and threadbare bodily raiment. Petrarch said,—

"Povera e nuda vai Philosophia,"

which in modern vernacular would read, "Social science pays small dividends." It would be convenient to find them larger; but we have contrived to get on with such as we had, remembering the Latin poet's qualification of his own possessions,—"Parva sed apta mihi."

In some remarks which I shall offer on Friday, as Chairman of the department of Social Economy, a brief review will be made of the progress in that field since we organized that special department in 1874, under the presidency of that founder of the Massachusetts Institute of Technology, Professor William Barton Rogers. A suitable memoir of that man of science, eminent both in mathematical, natural, and social science, had scarcely appeared, last winter, when his successor, the late President Walker, was removed by sudden death. He had distinguished himself in education, in war, in administration, and especially in economic and social science,— not always advocating popular causes, nor esteeming it the function of the learned so to do, at all times, but ever keeping in view his own integrity as a thinker and leader, and preferring truth, as he saw it, to the applause of a coterie or a multitude. He had now and then taken part in our meetings, and is sincerely lamented by our Association.

Two other men of distinction, associated with us almost from

the beginning of our work,— Henry Lillie Pierce and George Silsbee Hale,— both honored citizens of Boston, have died since we last met, and deserve the tribute of our praise. Mr. Pierce is in no danger of being forgotten by those who knew him ; and thousands who knew him not will bless his name in coming years, as they derive from his munificence recovery in disease, education in science and the arts, and the benefits specially needed in America, which the popularization of high art and the embellishment of busy life can confer. Of the millions which he has given,— princely endowments even in our country,— no single dollar was won by dishonest or questionable means. They flowed naturally from a great industry honorably conducted, and a mercantile skill which never needed to be re-enforced by purchasable legislation, nor defended by legal chicanery or judicial stretches of power. He treated his fellow-citizens as his friends, and he did not make enemies of the well-disposed in foreign lands. Accordingly, he found friends wherever he was known, yet was as resolute in the performance of public duty as if he had all the acrimony of the misanthropic journalist or the dyspeptic scholar.

Mr. Hale was of another profession and of a more assiduous devotion to public questions,— particularly those relating to the protection of friendless children and the care of the public poor. Few men in this country understood those subjects better or had a more unselfish interest in the measures of philanthropy. That insidious pretence of charity, which begins at home, and never gets beyond Number One, was his aversion ; and much of his last years was spent in retrieving the mistakes of self-seeking legislation and correcting the abuses of bureaucratic charity. His private virtues corresponded to his public record, and his death has weakened the causes he so heartily supported.

Our Association suffers incessantly from losses such as these. The men and women who embarked with us in enterprises which once seemed hopeless and are now established institutions, generating new mistakes for our successors to correct, grow fewer and fewer with each shortening year. We need the reinforcement of younger and more hopeful brethren, who shall take up the task where those who are in the harness must leave it, and shall permit the veterans to rest on the laurels they may have gathered, and taste for a brief space the lotus of repose.

Meantime we present you, as of old, a series of papers and discussions which will do something to increase our knowledge and promote the good causes we essay to serve.

THE CAUSES OF THE FALL IN PRICES SINCE 1872.*

BY J. W. JENKS, PROFESSOR OF POLITICAL SCIENCE IN CORNELL UNIVERSITY.

[Read Friday, September 3.]

Inasmuch as in the discussion of changes in prices there has been much misunderstanding arising from the use of words in different meanings, it seems wise to explain the sense in which some common terms will be used in this paper.

"Price" will mean value expressed in terms of current money. A fall in prices therefore means simply that less money than formerly is needed to buy a fixed quantity of goods. "Money has appreciated in value" means the same. "Money has depreciated in value" and "There has been a rise in prices" may be used as equivalent expressions. In this paper the use of the words "appreciate" and "depreciate" does not call attention to the cause of the changes in prices, as has been the case in many of our late political discussions, in which the expression "gold has appreciated in value" has meant that gold will buy more goods than would have been the case, had silver not been demonetized; while those who denied the appreciation of gold have not intended to deny a fall in general prices, but have wished merely to assert that the cause lay in phenomena primarily affecting goods instead of money.

It should be kept clearly in mind that a change in price may be brought about by changing conditions that affect either money or commodities. We are so accustomed to naming prices in terms of money that sometimes we may forget that the money standard itself may change in value. If to-day five bushels of oats are worth two bushels of wheat and in a month from now six bushels of oats are worth two bushels of wheat, any one would recognize the fact that the change in the price of oats in terms of wheat may have come about through changed conditions affecting the value of either oats or wheat. It is essential that one keep the fact in mind that market price expresses merely the ratio between the generally

*Delivered before the Fourth Annual Convention of the New York State Bankers' Association, Saratoga Springs, July 16, 1897, and published with the diagram illustrating the address in the *Bankers' Magazine* for October, 1897.

recognized desirability at a certain time of a dollar in whatever standard the laws may have decreed and the generally recognized desirability of the article bought or sold. Anything that affects the desirability of either the article or the dollar will change the ratio, and the price will either rise or fall.

If, then, we assume that there has been a fall in general prices, — and this is assumed in the subject of this paper,— we know that the cause must be either one operating on money, that has made money more desirable as compared with fixed quantities of most goods than it was before, or the cause or causes must be general, affecting practically all goods that come into the market, making them less desirable as compared with money than they were before; or both causes may be at work at the same time.

In my judgment, we are most likely to agree upon the probable causes of the late fall in prices, if we trace as carefully as possible the course of general prices over a long period of time, note when they have risen or fallen, and see whether we can at different times find conditions affecting either, on the one hand, the money supply or efficiency of money, or, on the other, affecting the whole business world in such a way as to control the supply of nearly all commodities, and thus to raise or lower general prices. Party bias may be removed by considering the matter historically.

The only practicable way to discover the course of general prices with any approach to accuracy is by the employment of index numbers. By finding from year to year or from month to month for a period of years the price of each one of a large number of typical commodities, it becomes possible by the addition of these prices or by the reduction of them all to some common basis to find an average number that will represent the general price of all the commodities, the minor and contradictory fluctuations of the separate commodities being eliminated by counteracting one another. The index numbers of the *Economist*, of Sauerbeck, of Jevons, of Soetbeer, of the United States Senate Finance Committee, have all been criticised adversely many times, and there can be no doubt that valid criticisms can be made against them all; but it is a striking fact that, though they embrace to a certain extent different commodities, and though the index numbers have been found even by different methods of mathematical calculation, yet they all agree substantially as regards the course of general prices. Where they differ, the difference can usually be explained by some local condition; *e.g.*, during our Civil War, when the

Economist's index number increases much more rapidly than do any of the others, it is clearly due to the fact that in that list cotton is given a much larger proportionate share than in any of the others, and cotton in England at that time was naturally very dear. Even David A. Wells,* writing in hostile criticism of the index numbers, reaches substantially the same conclusion regarding the fact of a fall in general prices, and he reaches the conclusion by substantially the same methods as those of Soetbeer and Sauerbeck; and Schoenhof, in his book on "Money and Prices," † while ridiculing the whole system of index numbers because the "violent price variations" of individual articles offset one another (apparently not understanding that just therein lies the value of the index numbers), still says: "Now it cannot be denied that during the last forty years we have lived through high-price periods and low-price periods. The high-price periods show a higher total in the index numbers than the low-price periods, though the variations are not less marked." The essential thing is that even he agrees that the index numbers do show the course of general prices, though he naturally denies many of the conclusions often drawn therefrom.

One needs to distinguish carefully general prices from prices of individual articles. The causes of changes in individual prices are of course as various as the articles themselves; and it is absurd to attempt to draw any general conclusion,— as, for example, to determine any change in the value of the monetary standard by the price of any one article for a short time. The causes are any influences that bring about a change in supply or demand, from an unusually large crop or the break-down of a pool or monopoly, on the one side, to the stimulus of holiday time or the failure of the crops abroad or the introduction of a new fashion, on the other. Yet even in individual prices we can recognize a susceptibility on the part of some goods to changes in demand, on the part of others to changes in supply.‡ In general, the world demand for food products — wheat, oats, meats — is relatively steady. Most fluctuations in prices of such products come from changes in supply. The supply may be affected temporarily, as by a failure in crops, or permanently, as by improved methods of production, including transportation. It should be borne in mind that the commodities used in finding index numbers are largely those whose

* Recent Economic Changes, p. 122. † p. 11.

‡ Jevons, "Investigations in Currency and Finance," p. 27.

temporary changes in price depend mainly upon changes in supply. In the case of products suitable for permanent investment, on the other hand,— stocks, bonds, land, manufacturing establishments,— changes in price come mainly from changes in demand.

This shifting in demand for investments is likely often to depend upon causes so general in their nature that general prices are materially changed. Inspection of our diagram of index numbers shows at more or less regular intervals waves, as it were, of commercial feeling which in times of doubt and despondency — as seen after the panic years of 1809, 1818, 1825, 1839, 1857, 1866, 1873, 1883, 1893 — sink to a lower level, gradually to flow again in times of increasing confidence and prosperity to higher levels. The causes of these recurring panics, which so affect especially investments, followed by periods of recovering hope and confidence, which lead in turn to rashness, over-speculation, and finally failure again, are perhaps to be found chiefly in the weakness of human nature toward speculation and the hypnotic influence of human association, the opportunity for the panic being afforded by the modern system of credit transactions. Back still further, some think, may be obscure forces of nature that determine at regularly recurrent intervals atmospheric or meteoric changes which bring about failure of crops or other industrial change which affects the business world unfavorably; but into that discussion we need not enter.

Underlying these temporary changes which affect individual prices, underlying even these changes in general prices that seem to move in about decennial cycles of panic and hope, the diagram shows us a substratum of changes more general still, great waves covering a score or more of years, and bearing the panic fluctuations on their surface like mere ripples. Note especially the two periods, 1790–1850 and 1850–1896. It is particularly these general changes which we consider.

To explain the great general fall shown to have been almost continuous since the early seventies, let us first consider briefly like changes in earlier periods of history. It must be understood that exact knowledge regarding the earlier periods is scanty. Until the present century there are no records which have been kept in sufficient detail so that one can speak with accuracy regarding minor fluctuations in prices; but enough facts are known so that all authorities are practically agreed regarding some great revolutionary changes, as well as regarding their causes.

For example, the great plague in England in 1349 probably at least doubled prices of manufactured articles and largely raised permanently general prices, owing to the destruction of so large a proportion of the laborers (some estimate that nearly half the population died), and to the consequent scarcity of goods and increased cost of production without a corresponding decrease in the demand. Wages were raised in about like proportion, and permanently remained much higher than before. The cause in this instance was from the side of goods, not that of money.*

The discovery of America and the route to India via the Cape of Good Hope stimulated business and enterprise to an unparalleled degree. The discovery of the gold and silver mines in America, especially the remarkable silver mines at Potosí (1546), poured into the commerce of Spain, whence it was gradually diffused through Europe, a great quantity of money metal, which, though it was much used in the arts and partly hoarded and partly sent to the East, still served much more than before to effect exchanges in the market. None of the figures given are more than estimates, and those regarding the quantity of money in existence before this great output are not even trustworthy estimates; but we know that the amount of the new supply was very large, and it is not improbable that, even if Jacob's estimate — that by the close of the sixteenth century the total stock of gold and silver amounted to five times as much as at the discovery of America — is too high, Price's suggestion that the amount had been trebled or even quadrupled † is not extravagant.‡

Years.	Annual Average for Period.		Years.	Annual Average for Period.	
	Gold.	*Silver.*(a)		*Gold.*	*Silver.*(a)
1493–1520	$3,855,000	$1,954,000	1661–1680	$6,154,000	$14,008,000
1521–1544	4,759,000	3,749,000	1681–1700	7,154,000	14,212,000
1545–1560	5,656,000	12,952,000	1701–1720	8,520,000	14,781,000
1561–1580	4,546,000	12,450,000	1721–1740	12,681,000	17,924,000
1581–1600	4,905,000	17,413,000	1741–1760	16,356,000	22,162,000
1601–1620	5,662,000	17,579,000	1761–1780	13,761,000	27,133,000
1621–1640	5,516,000	16,361,000	1781–1800	11,823,000	36,540,000
1641–1660	5,828,000	15,226,000			

(*a*) Coining value.

* Thorold Rogers, "Six Centuries of Work and Wages," pp. 219–242; Rogers, "History of Agriculture and Prices in England," i. pp. 60, 265; Stubbs, "Constitutional History of England," ii. 398, ff.; F. A. Gasquet, "The Great Pestilence," Chap. X.

† Price, "Money and its Relation to Prices," p. 79.

‡ Production of the precious metals from discovery of America to 1800, according to Soetbeer, taken from circular No. 123 of the Secretary of the Treasury, 1896.

But, whatever the proportion may have been, certain it is that prices rose, and that all the authorities think that the increase of the money supply was the cause. Throughout Europe the effect was revolutionary.* The most conservative writers, like Helferich, estimate the rise in general prices at 150 per cent. Some put it at 400 per cent. to 600 per cent. The conservative, careful writers are generally content with saying that the rise was at least 200 per cent. from this cause alone. Nasse sums up the matter by saying, "Since Jean Bodin no one has raised a serious, well-founded doubt that the cause lay in the American silver production."

Aside from this cause, another one connected with money is noticed in many places,— the debasement of the coin. In England Henry VIII. especially had sinned in this regard, as in so many others; and, though Elizabeth made an heroic effort to restore the coin and undo the evil, it could not be done. The effect — a sudden increase in prices with no corresponding increase in wages — was very severe upon the working classes. The increase in prices from 200 to 300 per cent., between 1541 and 1582, Rogers, in his monumental work, "History of Agriculture and Prices in England," ascribes almost solely to this cause; but even he estimates a rise of nearly 200 per cent. due to the inflow of silver during the one hundred years following this time.†

Here, then, seem to be two great changes in prices due to causes affecting money, one debasing the quality, the other increasing the quantity. It should be borne in mind that the influence on prices of an increase of the supply of gold and silver would be much greater three hundred years ago than now, for two reasons: (1) Substitutes can now be more readily found. (2) A greater quantity is in circulation. An amount that would double the money supply then would be only a small percentage of the present supply.

So far as records go, there seems not to have been another change in prices that can be considered revolutionary until the present century. Doubtless there were minor fluctuations of considerable extent, but no great change until the latter part of the eighteenth century.

Our diagram, beginning with 1782, the earliest time for which a regular index number from many prices can be had, shows the four

*Schonberg, "Handbuch der Politischen Oekonomie," VII., viii., sect. 14. *Cf.* Smith, "Wealth of Nations," i., Chap. XI.; Cunningham and McArthur, "Outlines of English Industrial History," pp. 142–145.

†Thorold Rogers, "History of Agriculture and Prices in England," iv. p. 736; v. pp. vi, 1, 779, ff. *Cf.* Cunningham as above.

great changes in prices between the latter part of the preceding century and the present time. From 1789 to 1809 general prices rose to the highest point known. From 1809 to 1849 prices fell more than they had risen, to the lowest point known since Elizabeth's day. From 1849 to 1873 prices rose again steadily, but rapidly till above the level of the preceding centuries, though not so high as in the first quarter of this century. Since 1873 they have fallen again till they are now lower than even in 1849.

An attempt to note the conditions under which these many changes in prices shown by detailed statistics took place — even a cursory inspection of the diagram — gives one immediately an idea of the complexity of economic causes, and shows how inadequate is likely to be any theory that accounts for general industrial changes by one single factor. Surely, no one factor can account for this multitude of changes which the statistics show have taken place. Had there been kept in earlier times detailed statistics of prices, we should probably have seen similar minor fluctuations instead of merely the great changes mentioned.

The latter part of the preceding century and the early part of the present one have been characterized as the time of the Industrial Revolution. The great inventions of the steam-engine, the power-loom, the cotton-gin, and others, were rapidly shifting manufacturing industry from the home to the factory. Beyond doubt, these changes tended to encourage enterprise until it became reckless speculation. There were crises more or less severe in 1783, 1793, 1805; but back of all we have a long-continued rise in prices of fifty-seven points, culminating in 1809, followed by an even more striking fall of ninety-three points. The regular effect of the increased output from the new and cheaper methods of production of goods, with no corresponding improvements in mining and increase of the money metals, would be to lower prices; and we may fairly say that these improvements in production of goods did aid in accelerating the fall after 1809. But these influences were at work with almost or quite equal force in the decade before 1809, yet they seem to have produced no effect.

There must have been therefore some other causes. The war with France from 1793, continuing most of the time till 1815, probably had a speculative effect at times, both in raising and lowering prices, and the war doubtless checked at times the supply from imports; but these causes were temporary, and no authority thus accounts for the great continuous elevation and decline. Tooke

lays great stress upon the unusual years affecting the crops, and this cause probably had influence in raising and lowering prices; but timber, oils, etc., show greater changes in prices than do food products.

To these causes — and apparently one of considerable potency — must be added the changes in the money supply and in its use. From the middle of the eighteenth century there had been a noteworthy increase in the output of both gold and silver, which in the twenty years from 1780 to 1800 amounted each year to 36 per cent. more than the annual output from 1720 to 1740, while the ten years from 1800 to 1810 show an increase of more than 40 per cent. over the output for the years named. This steady increase, rapidly accelerated in the last decade, was now followed in the next by a decrease of about 40 per cent., and the output kept low until the gold discoveries in 1849. Paper-money inflation in England had also doubtless tended to encourage speculation and expansion of credit, and also somewhat to free gold and silver, and thus to keep up prices, even gold prices. This money was withdrawn, and gold substituted to keep all at par soon after 1820. When all of the factors that can be found are considered, this one of the increase and then of the decrease of the gold and silver supply, with at the same time first a lessened demand on account of paper money, then an increased demand for coin to redeem it, seems to fit closely the course of general prices, and to be a potent cause of the foundation changes, though other causes, especially speculation and distrust, doubtless continued, and were influential in producing minor changes.

The prices shown in the diagram are English prices. We must keep in mind, in considering later changes, that to-day prices of staples are — when tariffs are reckoned with — substantially equal the world over, and are fixed in the world market. Wheat, corn, iron, cotton, wool, are for world consumption; and methods of transportation are so complete that no market is isolated. The goods supply, then, as well as the money supply under consideration must be the world's stock much more than formerly. On the other hand, railway stocks, city bonds, manufacturing establishments, etc., whose values are rather fixed by the demand, have their values fixed more by local conditions.

To illustrate more clearly this point, compare for a moment the conditions affecting prices of wheat and potatoes in the United States during the years 1892–95 with those affecting the prices of

city and railway bonds or even of real estate. The questions of the gold standard, of the probable actions of Congress and State legislatures regarding taxation and the collection of debts, the general outlook of business,— practically, all local in their nature and all affecting conditions of credits,— were the chief elements in fixing the temporary prices of the investments. The crops, determining the supplies in the world's markets, were what fixed the prices of food supplies. The question of the standard, so far as it affected credit, had practically no effect. The gradual slow changes underlying the temporary fluctuations — if produced by changes in the money supply without disturbing credit — would affect both classes of products alike: if produced by improved methods of production, new inventions, etc., ought to affect both classes similarly also, but the class of permanent investments least, and only as the rate of interest and profits falls with increased productivity.

There had been two or three rallies in the depressing fall of prices from 1809 to 1849; but in each case the upward tendency has lasted only four or five years at the most, when the influence of improved methods of production and the continual demands of an increasing industrial growth, together with the small output of gold, turned the course of prices again downward. But in 1849 came a change. Prices rose rapidly; and, though speculative crises in 1852, 1858–59, and 1866 lowered them somewhat, the general trend was rapidly upward till 1873–74. These prices, too, are not merely English prices, as those before given; but German, English, and American prices all agree in this general course. The causes are clearly world-wide in influence. The great temporary fluctuations in even gold prices in the United States from 1861–66 we may fairly ascribe to the effects of our Civil War. The rise in English prices at the same time is partly due to the influence of the war on the price of cotton. The added demand in the United States caused by the destruction of the war itself must be kept in mind; but the chief cause of the steady rise for nearly a quarter of a century was, in the opinion of most people, due to the great increase in the stock of gold from the mines of the United States and Australia. And the amount was sufficient to justify the belief. In the five years 1851–55 about as much gold was produced as in all the forty years preceding ($662,556,000). After some ten years the output declined somewhat, not reaching again the output of 1856–60 till 1892. Against the influence of the increase in the money supply were naturally the great improvements in the methods of

production. The railroad, the telegraph, the steamboat, had all begun to make their influence felt toward the lowering of prices. Improved methods of exchange through banks and the clearing-houses had already been found. Even large quantities of the gold were sent to the East. But against all these forces, which proved controlling before 1849, prices rose. Giffen, perhaps the ablest English opponent of bimetallism, believes the new gold supply to be practically the only and the efficient cause of the rise of prices. Schoenhof seems opposed to the idea, and ascribes the rise in English and German prices to the effect of the Crimean War and that of the Rebellion before 1866, and thereafter to "the inflation and speculation left over from the American war," and also to that "from the Franco-German War of 1870, with the intense commercial and industrial activity following the destruction of property in France and the gift of the Pandora box of five milliards to Germany." Surely, so great a result, so world-wide and lasting, was never before ascribed solely to such a cause, though these causes doubtless had effect in the direction indicated. War, however, has not so continuous an effect in the same direction. As Mr. Schoenhof (though acknowledging that paper inflation, on account of the lack of confidence accompanying it, will often raise prices) sets out in his book with the express purpose of proving that "prices of commodities move in obedience to natural and inherent causes, independent of circulating money quantities," he is compelled to emphasize the effect of these wars. I give less weight to Mr. Schoenhof's opinion also, because in some cases he fails to understand — I cannot believe that he would wilfully misrepresent — the position of those who think that the money supply is an important factor in the fixing of prices.

It is but fair, however, to say that, in my judgment, the diagram exaggerates somewhat the rise of prices, because the articles used in making the index number are chiefly those not manufactured, and those which, other things being equal, tend to grow dearer with increasing density of population; *e.g.*, food products. For the same reason it must be recognized that the real fall in prices since 1873 is somewhat greater than is represented, as the greatest fall would naturally be in the more highly developed industries. We should expect the price of watches as time passes to decline more than that of wheat, but the diagram represents wheat rather than watches.

To consider now especially the causes of the fall in prices since 1873, and particularly the fall in the United States. Heretofore we have seen clearly that the causes of changes in general prices have twice at least been primarily connected with money, but that once the cause was almost, if not entirely, independent of that, and that often other causes were contributory, especially for short periods.

We may note at first some causes not connected with the money supply.

1. Every one recognizes the fairly tremendous improvements that have been made in methods of production,— the lessened freight rates that come with through routes, the vast saving in expense from steam vessels as compared with sailing, that from the telephone, that from the concentration of industry; and these doubtless all tend strongly toward lowering prices. That they cannot account for all the change seems to be shown by the fact that no sudden change in these methods came in 1871 or 1872. Most of them were in active operation during the period from 1850 to 1872, when prices were rapidly rising. Giffen* says, "There is no reason to suppose that the multiplication of commodities relatively to the previous production has proceeded at a greater rate (or rather at a much greater rate) since 1873 than in the twenty years before that." Prices have fallen more rapidly probably on account of these improvements. They are not the only causes.

2. A special cause for the fall of prices of agricultural products in the United States is to be noted. When our great tracts of fertile land were opened up for settlement almost free of charge under the homestead laws, and our railroads had furnished a method of getting grain to the seaboard, our prairie States had almost a monopoly of the imported grain for the supply of the European markets. No other country could compete on equal terms. Of late, however, the Argentine Republic and Brazil, India and Russia, under the influence of the development of the last twenty years, have come in as rivals; and our farmers must now fight for the markets which they were formerly besought to supply. Those halcyon days of the Western farmer's monopoly of the European market are gone; though of course failure of crops elsewhere may aid them at special times, as now.

3. If falling prices are accompanied by hard times, as is often the case, so that the number of the unemployed is greatly increased,

* "Essays in Finance," second series, p. 27.

the lessened demand for goods would tend still further to lower prices. It is probable that this cause has been noticeable for the last six years.

4. To turn next to causes connected directly with the money supply. After 1860 the supplies of gold from the new mines began gradually to lessen; and, though no great falling off ensued, the check in supply was enough at least to lessen somewhat the upward rush of prices.

5. The increased demand for the use of gold in the arts must be mentioned as a minor factor in lowering prices. There will always of course be a competition for gold for different uses. It is difficult to estimate this one accurately, since most countries keep no distinct record. To the use of gold in the arts Soetbeer adds, properly for our purpose, the flow of gold to the East, as that is a non-monetary use for gold-using countries. In the decade 1871–80 he estimates the non-monetary use to have been 55 per cent. of the annual production; from 1880 to 1885, over 75 per cent. Within the last years, since there has been so decided an increase in the output from the mines, the proportion has fallen, though the amount used in the arts seems to be as large. Professor Lexis, writing in 1896,* puts the use in the arts for 1894 at $55,000,000, the export to the East at some $7,500,000. This makes in round numbers more than 34 per cent. of the annual supply still used for non-monetary purposes,— a most important factor, though no longer so significant as when the output was smaller.

6. Add to these causes the far more influential factor of the new monetary demands on the gold supply. During our Civil War, by the use of paper, we had let loose gold, which aided in the general rise of world prices. After 1875 we began calling again for gold to resume specie payments; *i.e.*, we gave new work to the world's supply. From 1878 on we coined annually from $40,000,000 to $75,000,000, and in three or four years from $90,000,000 to $125,000,000 instead of from $18,000,000 to $33,000,000 as before. Moreover, till well into the eighties the coinage of gold surpassed that of silver by large amounts. Since then, even, the difference in favor of silver has been large only in two years.

Besides this new demand on gold of some $500,000,000 within a very few years on the part of the United States, Germany in 1871–73 decided to adopt the gold standard and at the same time to reform her banking system. She began sale of her silver on the market

* Conrad's "Jahrbücher für Nationalökonomie und Statistik," lxvi. p. 532.

(some $150,000,000), and she demanded within the decade over $400,000,000 in gold.

In the years following 1850, when gold was plenty and relatively cheap, France, being on the bimetallic standard, naturally accumulated gold and exported her silver. The sale of silver and the preference for gold by Germany lowered its price as compared with gold. France therefore, finding cheap silver sent to her mints to be coined to take the place of her gold, and wishing to hold her stock of the money used chiefly by the most highly civilized nations, found it necessary to stop the free coinage of silver, and to coin only on government account. The rest of the Latin Union joined her. This put a check on the use of silver, and naturally hindered the use of French gold to meet cheaply the demand of other countries.

Denmark, Norway and Sweden soon changed their coinage to gold, as did also Holland in 1876. Later Austria and Russia and now Japan have been buying gold to accomplish the same ends. These new demands alone have called for considerably more than $1,000,000,000.

In making the above statement, I have not considered the question whether the demonetization of silver by governments was an arbitrary act, urged by comparatively few and done without sufficiently clear foresight of the consequences, or whether, as is thought by the monometallists, it was but an expression of the demands of the commercial world, and would have been practically brought about soon through gold contracts without the action of governments. The question is somewhat aside from the main topic, and is, I think, incapable of a positive answer, like most of the "might-have-beens." My own opinion is that, in spite of the great intelligence and shrewdness of the business kings, the great mass of business is still done by average men, who are controlled chiefly by custom, and that without legislation the change would have been much more gradual, and, indeed, would probably never have been as complete as it even now is. I am aware that no boldness is required to express an equally positive opinion on the other side, and that no one can prove it false.

This greatly increased demand would certainly be expected in the case of other commodities to increase value. Why not in the case of gold? To be sure, the supply was also increasing; but from before the seventies till the nineties the annual supply was less than before. Again, to take the place of coins worn out or

lost and to meet the usual increase in business, Giffen estimated in 1885* that about 2 per cent. of the total stock in hand was needed as a steady annual supply. Since then Russia, Austria, and Japan have become gold countries; and the estimate ought to be higher. This is of course a demand above the extraordinary one mentioned, and with the large sums used in the arts and shipped to the East was enough before 1890 to exhaust the annual supply, and to leave the extraordinary demands like those mentioned to be competed for by rival countries, thus raising the value of gold. The large output of the last few years, however, ought, besides meeting this regular demand, to leave a considerable surplus for unusual calls or to check the fall in prices.

From the above consideration it seems that the added demand for gold caused by the demonetization of silver and the withdrawal of paper money in some countries and the substitution therefor of gold has caused it to increase in value as compared with general commodities, and this is probably one of the most potent causes, probably even the most potent single cause, of the fall in prices.

It may be wise to consider some of the objections to the explanation regarding the money supply, as this is the explanation most frequently attacked.

(*a*) It is said that, if the demonetization of silver were the cause of the fall in prices, not only commodities, but also wages, would have fallen; while, as a fact, wages have risen. On the diagram is shown the course of general wages as given in the Aldrich report. Much fault can be found with the report on wages; but criticism would show that they are given rather too high than too low, so that the figures favor those who are opposed to my opinion. Wages are not subject to the same conditions as are wholesale prices. The influence of custom is stronger in fixing them. The feeling of the community regarding the standard of comfort suitable for people is another potent factor in preventing a lowering of wages; and, again, the trades-unions are vigorous in their efforts to uphold wages, so that money wages would never, as a general fact, fall so rapidly as would general prices under the pressure of a common cause if the workmen were at all active in efforts to prevent the fall.

We may note, however, that after the sudden fall in gold wages, caused by the paper-money plans of the United States government, money wages during the period of rising prices, though starting a

* "Essays in Finance," second series, p. 87.

little later, went up with a leap and bound, even far more rapidly than did prices. But in 1873, when prices began to go down, wages fell also for a time, and then, though they increased, did so at a slower rate than during the period of rising prices. If the fall in prices were caused solely by improvements in methods of production, so that profits and interest remained as before, there is no reason why the money wages should not exhibit the same tendencies and increase as rapidly as before, if other things were equal. If, however, something affecting the monetary medium is the cause of the fall in prices, pressure would at once be brought to bear on the employer; and we should expect to see wages affected as are commodities, though not to the same degree,— that is, there would be a tendency to fall. And this is exactly what the diagram shows. The tendency appears partly in the actual fall and partly in the decidedly lessened rate of increase.

(*b*) To the objection that so many substitutes are now used for money that no new demand for money would be felt, one can only reply that before 1873 this system of substitutes developed almost, if not quite, as rapidly, compared with the preceding period in proportion to the population and to business, as now. To quote Giffen again (p. 27, second series), "The answer clearly is that in the period between 1850–65 down to 1873 the increase of banking facilities and other economies was as great relatively to the arrangements existing just before as anything that has taken place since." At both dates they lessened the demand for gold.

There is often a misrepresentation as to the proportion of business transactions that call for cash and as to the importance of a cash reserve. The statistics on such matters are usually those of wholesale trade and often those of clearing-houses or other financial institutions; but such figures are unfair. It is the retail trade and the reserves that call for cash; and the latest advice on the subject (in the Report of the Comptroller of the Currency for 1896) is that only some 55 per cent. of retail transactions are settled with checks, drafts, etc., the rest by cash, while some 95 per cent. of the wholesale exchanges are so settled. On the whole, from 75 to 80 per cent. is the fairest average to assume as settled by credit currency.

While these facts emphasize very strongly the very great importance of the credit currency of the country, and in consequence show the supreme importance of sound credit and commercial confidence in maintaining prices, especially temporary prices, they by

no means teach that the coin supply is not of the gravest import in the regulation of prices. Coin is largely employed in retail business. For larger transactions there must always be an ample reserve of coin for credit; and, the more extended the credit system, the more important becomes the question of the reserve as regards not merely quality, but quantity as well. It is impossible to extend credit in the form of bank-notes or of loans beyond a certain well-defined limit as compared with the reserves; and although, if there were no such substitutes, business would be much hampered in its expansion, it is still true that a large enough shrinkage in the reserves to cause apprehension would contract the currency far more than if all business were done on a metal or cash basis. Without credit a withdrawal of $10,000,000 would lessen the supply just that much. With a credit system a withdrawal of $10,000,000 of the reserve, if enough to cause anxiety, might shrink the available supply of currency by $30,000,000 or $40,000,000 or even more. Of course, doubt as to the quality of the reserve might have even a stronger effect.

To avoid misunderstanding, I may as well add that, as regards the United States, I believe that the fear of a change to the silver standard caused by our peculiar monetary system has compelled the keeping of larger reserves than would otherwise have been necessary, and has thus increased the demand for gold, while it has also directly lowered prices by checking business.

Since the decline in the value of silver has brought its bullion value below its coin value, it is in the United States and other gold countries practically a token money. So far as it is used in the same field with gold, it of course lessens the demand for gold to the full amount used. It must be kept in mind, however, that silver, except in the form of the larger certificates in this country and as bank reserves, does not take the place of gold, but occupies a subordinate place as subsidiary coin, for which gold will not serve. Even the one-dollar pieces take the place of bank-notes rather than of gold.

Since the passage of the Sherman Act of 1890, indeed, silver has relieved gold not much, if any more, than would bank-notes, as the treasury has been compelled to keep gold on hand to redeem greenbacks bought by silver and treasury notes. Secretary Carlisle even said that, if necessary to keep silver at par, he would redeem silver certificates or silver dollars with gold.* Silver has

* Letter to J. P. Helm, September, 1896.

not been a "money of ultimate redemption," as the phrase is, hence has not done quite full money work.

(*c*) It is frequently urged also that, in spite of the demonetization of silver, facts show that there has been no increased demand for gold, though *a priori* one would have expected it; and one argument given is that records of coinage show no increase.

Values, of course, must depend upon both demand and supply; but the extent of the demand for any goods in a market can hardly be measured by the amount bought for a special use, without taking the price paid into consideration. The bimetallists assert that there has been much more work for gold to do,— *i.e.*, a greater demand — without, as they believe, a corresponding increase in the supply; and they point to the undoubted fact of the greater value as compared with commodities as a partial proof, besides giving instances, as they think, of new demands enough to more than employ the annual output by far. The monometallists reply in effect, that there has been no increase in the demand (as shown by the coinage; *i.e.*, the amount taken for a special use), therefore there cannot have been more work for gold to do, and therefore the increase in value must be due to some cause not connected with gold, but rather with the commodities which measure the value of gold.

Now, when the supply of any commodity is limited and a new demand comes, the normal result is not an increase in the supply, but a rise in price. As I understand the way of interpreting the facts under consideration, it is this: Several countries demonetized silver, and some replaced paper with gold; *i.e.*, they said they preferred to let gold be used instead of silver or paper in the payment of large debts (of course, all kept silver for subsidiary coin). For bank reserves, naturally, gold would then be preferred to silver, both as security for notes and for payment of deposits. The governments would demand it also for coin use instead of silver, and did so, as I have mentioned in the case of Germany and most of the time in the United States. This great call for gold could only be met by taking it from the existing stock of other countries that also wanted it, and its value began to increase. In other words, commodity prices fell. As in like cases regarding goods, efforts were then made to find cheaper substitutes as far as possible. The United States began under the Bland law to coin large quantities of silver. It was distinctly given as a reason for the passage of that act that it would probably check the fall of prices.

In other words, the law was passed with the intention on the part of its advocates to lessen the demand for gold, because the former demand had increased its value, and they feared would increase it more yet. Likewise regarding the use of bank-notes, checks, etc. They have all doubtless lessened the demand for gold as compared with what it would have been without them ; but, the supply being short, its value in spite of them went up, though not so much as would have been the case otherwise, and at the higher cost no more was taken for coinage than before. The demand for gold on account of the demonetization of silver and the retirement of paper was met then in two ways: first, by raising its value,— *i.e.*, the price of general commodities fell; second, by providing substitutes in part. Had the supply been greater, the demand would have been met by an increase in the gold coinage.

But the coinage is no fair measure of the demand that affects the value for other reasons. Bullion is often used in the settlement of international balances, thus performing the function of coin. It is also permitted in most of the European countries as reserves in bank. The demand for shipment to the East and for use in the arts also tends to add to its value, and this demand naturally increases with the increase in wealth. Moreover, the amount of recoinage is a very uncertain factor to reckon with.

(*a*) It has been suggested by many people that there could not have been any appreciation of gold resulting from a relative scarcity of gold itself, because the records showed that the amount of gold in the banks was large. Hence it was evident to every one that there was no scarcity. It is but just, however, to say that the bank reserves are not a good test of the abundance or scarcity of money. If for any reason whatever prices fall and trade becomes somewhat hampered, the normal results are for borrowers to lessen their demands upon the banks and for the bank reserves to increase. The reserves are large when business is dull, and the rates of discount will then be low. When for any reason prices tend to increase, business is likely to be stimulated,— often to a dangerous degree,— borrowing becomes active, the bank reserves fall, and the rate of discount will increase. Or, again, anything that shakes a banker's confidence increases the reserve. A banker's sense of the money supply then cannot, from the very nature of the case, be accurate.

Summary: After full consideration, therefore, of earlier experiences to guide us, and of the arguments of the different

writers on all sides on the causes of the fall in prices since 1872, it seems just to consider the following as causes important enough to deserve mention.

A. Not primarily connected with money. (1) Improvements in methods of production, including transportation, and, especially for the United States, those changes that have brought foreign grain into competition with that of the United States. (2) The lessened demand of the past few years caused by the non-employment of laborers.

B. Connected primarily with money. (1) The check in the output of gold until 1890. (2) The use of gold in the arts and in the East. (3) The demonetization of silver in several countries, together with the withdrawal of paper money and the introduction of the gold standard, increasing the demand for gold.

The benefits or evils of the fall in prices, or the remedies, if any are needed, are beyond the scope of this paper; but a word or two regarding the significance of the causes may be desirable.

The improvements in methods of production are permanent, and would seem to call for no change except watchfulness not to let other causes which might tend to bring speculation and a crisis go unchecked.

Non-employment is of course an evil that security and stability in business tend to overcome.

A fall in prices from a relative scarcity of gold would be permanent unless large new supplies — which now seem to be in sight — were furnished, or unless money substitutes of some kind, silver, bank-notes, checks, etc., could be made increasingly efficient enough to fill the gap. The real efficiency of such substitutes depends largely upon stability in business conditions and confidence of business men in the ability and willingness of their fellows and their governments to carry out business obligations in a business-like way; *i.e.*, to live up to the letter as well as to the spirit of their contracts.

OUR PROGRESS IN SOCIAL ECONOMY SINCE 1874.

REMARKS BY THE CHAIRMAN OF THE SOCIAL ECONOMY DEPARTMENT (F. B. SANBORN, OF CONCORD, MASS.).

[Friday, September 3.]

The date here taken as the starting-point of my remarks is that of the year when our Association, having existed nine years, divided its unwieldy Department of Trade and Finance, or Political Economy, and gave to the new portion the comparatively new name of Social Economy. The exact meaning of this phrase, like that of our general subject, "Social Science," is much in debate. Both terms change their significance from time to time, and acquire meanings more or less extended, according to the needs of the moment or the opinions of the writers who use them. I find in a thoughtful book by that old publicist of Scotland who has lately died, — Samuel Laing, of Edinburgh, — a passage which shows how he understood the phrase in 1842, when he issued his "Notes of a Traveller on the Social and Political State of Europe."

> Social Economy — the construction of the social body of a country, the proportions in numbers and influence of the elements of which it is composed; the arrangements and institutions for the administration of its laws, police and public business, civil, military, and ecclesiastical; and the principles on which all this social machinery should be constructed for working beneficially on the physical and moral condition of the people — is a science distinct from the sciences of Government, Legislation, Jurisprudence, or Political Economy. These are but branches of Social Economy, in its most extended meaning. It embraces all that affects social prosperity, and the well-being, moral and physical, of the individuals composing the social body of the country.

In no such comprehensive sense have we used the term "social economy," but rather as including those economic relations of life which affect men in their social and domestic rather than their political interests. Thus the small savings of labor and capital,

the modes of housing the people, their amusements and recreations, the relations of sex to industry, the minor questions of pauperism and public relief, the bearing of diseases (such as insanity, for example) on the family life and the household earnings, education as concerned with industries, life insurance, and many other topics, have been discussed in this Department, while the larger questions of currency, taxation, commerce, immigration, etc., have remained in the older Department of Trade and Finance.

In all these matters great changes have occurred since 1874, but perhaps more in the minor and more popular matters than in those great interests with which governments must deal, and which become political issues. And one of these changes has been to bring within the scope of yearly legislation and official regulation much that was formerly left to be settled by social arrangement or individual agreement, with only a rare and general interference of the government. Whether we regret or applaud this new development of what is often called "paternalism," or "State socialism," we cannot fail to see that it is going forward rapidly and almost universally, for good or evil. One of its very latest manifestations has been the passage through the English House of Lords, by the urgency of Lord Salisbury, of the "Workingman's Compensation Bill," which was fiercely denounced by his own party followers as "socialism." "No," replied Lord Salisbury, "socialism is the undertaking by the State of a burden or a duty which should be borne by the individual: whereas this measure proposes the very reverse." To illustrate this rather sophistical proposition, the Premier went on:—

> Suppose there is a tremendous colliery accident, and fifty or one hundred persons are killed, and their wives and children left destitute: who pays? The parish. That is to say that I, with my five hundred acres of meadowland, who do not get the slightest profit from the mine, have to pay for the accident, which is part of the profit and loss of the coal-owner; and I get no compensation whatever. If anything could be called socialism, it is this.

The real effect of the new English law is to throw the burden of paying for such accidents upon wealthy capitalists rather than upon the general public; and this, until recently, was a rarity in British legislation. That it is now not unusual is one of the evidences of progress in "social economy" as well as in politics.

A striking American example of such progress has been before

the eyes of our Association since 1874 in the extension of the so-called "Building Associations," or Co-operative Banks, from the few States in which they then existed, over the whole country.

It was in 1874 that the late Josiah Quincy, grandfather of the present mayor of Boston, brought to the notice of this Association, of which he was an early member, the fact that societies of this peculiar kind had long existed in Philadelphia, and were there taking the place of our New England savings banks, and also promoting, to a remarkable extent, the ownership of their own homes by the industrious workingmen of Philadelphia. A fact so interesting, and to most of us so new, aroused attention; and for several years this Association, and particularly Messrs. Paine, Bradford, and J. S. Ropes of Boston, investigated the matter, and did what could be done to promote the formation of similar societies in New England, where they were practically either unheard of or under suspicion. In other parts of the country similar efforts were made to bring this form of co-operation into favor; and now, instead of perhaps one thousand small associations, mostly in Pennsylvania, New Jersey, and Maryland, twenty-three years ago, there are more than six thousand in the United States, and very few of the States are without them. They had proved their financial soundness in the long depression which existed from 1873 to 1879; but they exhibited this quality more conspicuously in the panic and depression of 1893–97, from which, after four years, we are just beginning to emerge. Four years ago, when bank after bank failed or suspended, and credit was paralyzed throughout whole sections of the country, the little "People's Banks" went on their course almost without a ripple of disturbance. Their borrowers paid their loans, their members paid their dues, and the membership went on increasing, — not so fast as before the panic, but at a remarkable rate, all things considered. Since then instances of fraud — that besetting sin of American banking — have appeared sporadically in the affairs of these institutions, but the instances are not many; and the losses are infinitesimal, compared with the sacrifice of millions on millions in the larger operations of credit.

The years since 1874 have witnessed a great advance in the insurance of families against the loss of support by accident, illness, and death,— first in the many forms of voluntary insurance, then in the compulsory insurance initiated by Bismarck in Germany, and latterly by such measures as that just adopted in England,

and by the various forms of old-age pensions and insurance against loss of wages by the strikes and suspensions of work so frequently occurring of late years. Of course, the most common form which the latter provision has taken is the relief afforded by trades-unions to their members, as in the great strikes now going on in this country and in England; and this fact calls attention to the rapid development of the trade-union principle since 1874. Like every great social change, this has been acompanied, and is still attended, with serious evils; but in a few countries — Great Britain, for example — the organization of labor by unions has reached a stage where it is recognized as a distinct improvement on what preceded it,— the tyranny of organized capital over individual laborers, unable, for want of concert, to get fair dealing from their employers. In the United States this more peaceful stage has not been attained, as we are admonished by bloody encounters every few months between striking laborers and some form of organized capital. There has thus far been lacking in our country, among the workingmen, that practical organizing talent which is so conspicuous in the English character, many of the American trades-unions having for leaders persons of other nationalities, more logical than sensible, who suppose they must follow their premises, even when they lead to failure. M. de Rousiers, that very intelligent and painstaking French author, who undertook for the newly-established "Musée Social" of Paris the investigation of trade-unionism in England, and accomplished that task so well last year, remarks justly that the English are the most practical and the most illogical men in the world, and hence their success in difficult emergencies.

Coincident with these forms of co-operation among the humbler members of society (building associations, benefit societies, trades-unions, etc.) there has been another gigantic form of association among the holders and wielders of capital,— what we designate as the Syndicate, or Trust. This belongs rather to political than social economy, since it depends for its continued existence upon the support or active tolerance of the legislature and the courts. It thrusts itself into our field of social economy, however, both by its benefits and its evils, reducing the cost of living in some directions, and thus promoting the pecuniary well-being of the poor, while it also kills out the humbler trade and the domestic industries, and tends to bring the mass of mankind into a semi-servile dependence on excessive wealth. This tendency to co-operations

of capital is often said to be irresistible; and thus we are advised to submit to them as private tyrannies, in order to avoid that form of the same thing which is urged upon us as "collectivism" or "socialism," and which is much to be dreaded as a public tyranny, even more corrupt and debasing than the oligarchies of capital are showing themselves to be. I do not accept this dismal alternative, which is forced on us simply as a mode of that old fallacy of mistaking a tendency for an irresistible force. As in the realm of material things, so even more in human affairs, one force generates another to counteract it; and we never actually see the paradox of the physicists,— "an irresistible force impinging on an immovable body."

The counter-check to this threatening attitude of aggregated and arrogant wealth — this alleged conspiracy of the millionaires — is their invincible ignorance. Nothing so blinds the eyes of the mind as selfishness: egoism, says the French wit, is always unintelligent. It ever bends the bow until it snaps. This was the story of the Stuarts in England, the Bourbons and Napoleon in France, the slave-masters in America. It will not be otherwise, we may be sure, with the insolences of dropsical wealth in this country, should they grow to such an extent as to assail the institutions of popular government, at which so many of the millionaire class and their abettors in the scholarly class now rail and scold. Shakspere, himself sufficiently attracted to the side of power by his poetic imagination, was yet clear-sighted enough through the same faculty of insight to express, in a few pungent verses, the corrective which human nature and Divine Justice apply to the tumors of oppression: —

> "Till now you have gone on, and filled the time
> With all licentious measure,— making your wills
> The scope of justice: till now myself and such
> As slept within the shadow of your power
> Have wandered with our arms traversed, and breathed
> Our sufferance vainly. Now the time is flush
> When crouching marrow, in the bearer strong,
> Cries of itself, 'No more!' now breathless wrong
> Shall sit and pant in your great chairs of ease."

But the veterans of Social Science do not anticipate any such issue out of our present troubles. They look upon the excess of individual wealth, unchastened by any scruples about its acquisition or any obligations to its beneficent expenditure, as an

accidental excrescence in our civilization, no more to be honored or protected than the wens and protuberances of disease. Of decent and conscientious wealth they have no fears,— either that it will turn to oppression or become the victim of pillage. Against hurtful combinations of wealth or poverty nature has made provision, in the very selfishness and fraud or violence which makes such combinations. Our social and political system has too broad a base to be upset by transient gusts of popular feeling or undermined by unscrupulous avarice, trembling for its ill-gotten property or privilege. Our rich are growing richer,— too much so for their own peace of mind and ours,— but our poor are not growing poorer; and the great middle class will hold them from attacking one another, should they be foolish and wicked enough to try it.

THE TEXTILE SCHOOL AT LOWELL.

BY JOSEPH LEE, OF BROOKLINE, MASS.

[Read Friday morning.]

Last year we heard remarkably interesting testimony as to the value of the trade school from the point of view of the manufacturer, of the philanthropist, the schoolmaster, and the penologist. During his address Mr. S. N. D. North, Secretary of the National Association of Woollen Manufacturers, spoke of the Textile School at Lowell, then organizing under a law passed in 1895 by the State of Massachusetts. The law, which is given in full in the appendix, provides, briefly, that, when in any city or town having in operation at least 450,000 spindles, money should be appropriated or subscribed toward the establishment of a textile school, the State would subscribe an equal amount, the State's quota, however, not to exceed in any case $25,000

The cities to which this act applied are Lowell, Lawrence, New Bedford, and Fall River. In New Bedford they are starting a school, and in Lowell the school is in actual operation. The State has subscribed its $25,000, the city the same amount, and private persons, chiefly manufacturers, have added as much as the two put together, making in all $100,000. The school was opened on Feb. 1, 1897, with 142 scholars, and closed at the end of the term, on June 3, with 151. It is now being enlarged, and will next year be able to accommodate 250.

The school is divided into a day and an evening department, and is intended, generally speaking, for two classes of pupils. The day department is meant to serve as a sort of textile university for that part of the country. Its first application from a student, however, came from Bombay, India, so that its fame and usefulness are already considerably wider than the Merrimack Valley. It is similar in its scope and purpose to the famous textile school at Crefeld in Prussia, and is meant to give such instruction in the textile industry as may be the best possible preparation for those who are to be in any sense leaders in that line of manufacture,—

to fit men to be manufacturers, foremen, superintendents, or designers. Its graduates will also be well fitted to become teachers in smaller schools when such shall be established among our minor manufacturing towns.

The studies in the day department are divided into four distinct courses, each occupying three years,— cotton manufacturing, woollen manufacturing, designing, and dyeing. The annual fee is $200.

In the evening department substantially the same ground as any one of the above courses can be covered — but, of course, less thoroughly — in six years at two evenings a week (or in three years at four evenings a week), the fee for each course of two evenings a week being $5 a year. Tools, books, etc., are extra, and cost from $2 upward per course. There were at the end of the year 27 day and 124 evening pupils, the latter being for the most part actually employed in the textile industry during the daytime.

The history of the starting of the school, its general purposes, and the principle upon which it is organized, can best be stated by the following quotation from a letter from Hon. James T. Smith, a trustee and clerk to the corporation, dated Sept. 1, 1897 : —

The idea of an institution for instruction in textile manufacture was born of the desire to strengthen and extend the textile industry of the city, and to raise the grade of citizenship and increase the earning capacity of the artisan.

I spent some years in gathering data as to the character and practical usefulness to the industries of foreign technical schools; but it was not until the very clear, comprehensive, and practical reports on "German Technical and Trade Schools," by J. C. Monaghan, Esq., United States Consul at Chemitz, Saxony, were published in the Consular Reports for August, 1894, that I felt fully equipped to bring the subject before the textile manufacturers generally, and justified in urging the establishment here of a textile school, in the interest of the industry and of those employed therein.

As the purpose of the Lowell Textile School is to give skill and consequent earning capacity in the leading industry of this Commonwealth, it may properly be classed as a trade-school. It is, however, a high-grade trade-school, exhaustive in all processes of the industry to which it relates, and necessarily, therefore, of a limited class. It became such a school from necessity, the demand of the industry being for thorough instruction in the higher, finer, and more varied lines of textiles, as well as in the ordinary lines.

This required a full equipment for the manufacture of all fibres, a high-grade Department of Design, a thorough course in Gen-

eral Chemistry, Historic Art, Plant Forms, etc. The school has ceased to be local, catering to the entire industry of the country. In fact, the interests of the textile industry cannot be localized. While we here work all the processes preparatory to textile manufacture, we also use, largely, yarns spun at Fall River, New Bedford, New Jersey, Louisville, Ky., etc., and dyed at North Adams, Pawtucket, and elsewhere. Our people have large investments in mill plants at Lawrence, Nashua, Fall River, and New Bedford; while the majority of the stock of our great textile corporations is held outside the city.

Were the school located elsewhere, we would benefit largely by it, as would all other textile centres, wherever its location in New England.

The State contributed $25,000 to the corporation, and the city the same amount, while the contribution of the manufacturers equals both contributions. As the equipment includes machinery for working all fibres, from the raw material up to the finished goods, including the designs applied thereto, whether dyed or printed, the magnitude of the task of assembling, housing, and setting in operation such a plant may be imagined.

The management is a private corporation composed of twenty permanent trustees, two-term representatives of the Commonwealth, and the Mayor and Superintendent of Schools of Lowell.

The school grows out of and is closely allied to the textile industry. It is the mill, with a running plant of machinery, under the immediate supervision of instructors, experts in the various processes, who teach the theory and practical art of textile manufacture. It is presided over by a director, of large experience in foreign textile schools, and also in textile manufacture, while the president of the corporation and the chairman of the several committees, who give daily attention to the school, are the chief executive officers of our great textile corporations. In fact, our rules of organization require that three-fourths of the trustees shall be gentlemen actually engaged in textile manufacture. And such trustees, who meet frequently, are the leading officers of textile corporations representing over $25,000,000 capital. So closely do we keep to the industry that the rules of order and discipline essential for the conduct of educational institutions are based, so far as applicable, on mill usage, thus making even these incidentals educational in the line of the industry.

While thorough in the practical art of textile manufacture, the school is equally so in the theory of the art and allied arts, having its Department of Decorative Art,—the curriculum of which includes historic ornament, plant and other nature forms, free-hand drawing, color, etc., as fundamental to textile design or any other specialty of decorative art,—and also a Department of General Chemistry, preparatory to the course in dyeing and printing, each department presided over by a chief of experience and repute in his specialty; for we have drawn upon the scientific institutions as well as the mill, when necessary.

You will perceive that the Lowell School belongs to a limited class of educational schools, of which, among the great number of trade-schools, there are few abroad, and few demanded; and yet it is to this class of schools that the greatest benefit comes to the industry, as it is through them that new and finer and more varied products are introduced from abroad or created here. The cost of equipment and administration will necessarily limit the number of schools of this class.

A percentage of the expenses of administration is met from tuition fees. While this will increase, the increase in the number of schools for thorough instruction would at present divide up such revenues, and therefore require larger contributions from outside sources. It is not to the interest of the textile industry to do this, as much of the burden of taxation falls upon the textile industry. Still, wherever manufacturers may find it to their interest to undertake such schools, every facility will be offered them to avail themselves of the experience of the management of the Lowell Textile School.

The public school aims to awaken intelligence and to develop character, at least that seems to be the idea of the "new education." The textile school aims to utilize this "raw material" thus created, by giving it skill and consequent earning capacity in a special line of industry. And this raw material, produced at such vast expense by the public school system, is more potential for wealth than though our fields were white with cotton or our hills big with mineral.

The proposition that from the first has dominated in the building of the school is this: —

The administrative officers of the great textile corporations are compelled to know what qualifications are required in subordinates. These representatives are therefore best equipped to determine what qualifications the graduates of the school should be endowed with. These determined, the curriculum and methods of instruction, and the equipment, are adapted to produce the desired result, whether they are in harmony with, or depart from, accepted theories of education. The school thus grows directly out of the practical experience and needs of the textile industry, and is not modelled on any known educational or technical school, foreign or domestic. It is *sui generis*, and is to be judged by its fruits.

An incident shows the demand for such a school. A young man choosing dyeing for a career had earned his way through the chemical course of two great educational institutions, graduating in both, and yet, after four years' study, came to us, and offered his services for his board as assistant instructor in chemistry, for opportunity for instruction in dyeing. In one year the Lowell School could have made him a good dyer, and in two thorough in the theory and technique of the art. Such instances could be multiplied where great institutions, with unlimited revenues, and specially designed for practical scientific instruction, fail to meet the demand for earning capacity in industrial lines.

The trustees have assurances that the public schools will furnish the essential preliminary instruction,— fit pupils, in fact, to enter our school.

So far I have had in mind the main or day school course of instruction. Of the 151 pupils attending the first or experimental term, which was opened in February last, 24 were day students and 127 evening students, the latter being mainly employed in the machine-shops and mills, and, therefore, familiar with the practical work of mill or shop. The interest shown by the latter classes was very gratifying, and was maintained — in fact, increased — during the term. It is evident that the evening classes meet a real want among the artisans or operatives. The term fees for the day course approximate those of the higher educational institutions; while those for the evening courses are merely nominal, and bring the school within the reach of all. Observation indicates that the evening students advance more rapidly in the applied art, but, from lack of training to habits of study, do not progress so rapidly in the theory as the day students.

I have looked at the subject mainly from the standpoint of the interest of the industry. This may seem a low plane to the humanitarian, the social reformer; but my experience in life has taught me that intelligent selfishness furnished more and steadier motive power, had more staying quality, than humanitarianism, and may be equally beneficent in its results. While I have multiplied pages in thus hastily setting forth the advantages to the industries of industrial education, a line or two will make equally clear the advantage to the employees; and that lies in this: that, whatever benefit comes to the manufacturer from industrial schools, it can only come through the education of the employee, the increase of his skill and earning capacity. The industry can only be elevated through the elevation of the workman and workwoman.

There is much in this work that it seems to me may well arrest the attention of the social reformer. We are enjoined to give to the poor; but the method of giving is left to our reason, informed by experience, to determine. One way in a busy world is to give them alms, as a bone is thrown to a dog. A better way, it seems to me, is to furnish opportunity to them to better their condition, and incite them to avail themselves thereof. I prefer, except with the helpless, the latter way.

The school is a true trade-school, its design being not to educate the mind and faculties in general, but to teach a particular trade, to give its scholars the ability to do some one thing well enough to make their services worth paying for.

An interesting question about trade-schools, in view of Mrs. Kelley's paper of last year and much other testimony, is the extent to which they can fill the gap between the grammar school

and the beginning of work at a trade. In this particular school a boy who goes to work at some makeshift occupation (as boys in general must do, if they go to work at all, when they leave the grammar school) could perhaps at the same time be fitting himself, by the evening classes, for becoming a high-grade worker in the textile industry; and at four evenings a week it would take him three years to complete his textile education. But the evening classes are not especially adapted for boys of that sort, being intended rather for those who are already at work in mills. If the boy can afford to go to the day school, *i.e.*, to pay $200 a year for fitting himself for a first-class position in the industry, the school will occupy him for three years. If, in that case, he leaves the grammar school at the age of fourteen, he will be through the trade-school at the age of seventeen. The age at which boys get into the mills is usually about eighteen years, but any graduate of the textile school would of course be gladly received a year earlier.

Another interesting question about trade-schools is in regard to the propriety of public aid. I myself believe that a great service can be performed to society in general, and to poor boys in particular, by teaching trades; that a trade is nearly as important in making a man a useful citizen as is a knowledge of reading and writing or general education, and that it may therefore be proper, sometimes eminently desirable, to spend the public money for the purpose of teaching trades.

The law of Massachusetts above referred to is, I believe, the only case, except that of the textile department of the Industrial Art School at Philadelphia, where a State, or indeed any other public body in America, has given aid to a distinctly trade school; that is to say, to a school making the teaching of a trade or of several trades its primary object. Other instances of government aid which are somewhat analogous, although not directly in point, are the following: —

First, every State teaches school-teachers their business at the public expense. This case may be distinguished upon the ground that it is a part of the public-school system. It is closely analogous to the training of soldiers and sailors by the United States for the purpose of providing for the public safety and defence.

A case that is somewhat nearer as a precedent is the providing of professional instruction at State universities, partly at the State's expense, several of our State universities having medical schools or law schools attached.

A step nearer still are the agricultural colleges, aided by the United States Land Grant Act of 1862, under which "colleges of agriculture and the mechanic arts" had received up to 1892 in the aggregate more than $16,000,000. The main purpose of these colleges, however, is not the production of actual practical farmers, the majority of their graduates going into divinity and other learned professions. It is true that the Massachusetts Institute of Technology is one of these "land-grant colleges"; but this institution is rather a general mechanic arts university than a trade-school. Its pupils become members of scientific professions rather than of special mechanical trades.

The nearest case — it seems to me — is that of such institutions as Tuskegee in Alabama. Tuskegee is typical of a large class of institutions in the South,— institutions which give practical instruction in actual work in several trades, and which in many cases receive State funds toward their support, Tuskegee itself, for instance, receiving $3,000 from the State of Alabama. The above-named institution gives practical instruction in farming, brick-making, building trades, printing, sewing, and laundry-work, blacksmithing, tinsmithing, shoemaking, and harness-making. Nevertheless, the teaching of these trades is not the principal object of the school. They are taught rather as being of practical but incidental value to the graduates than in order to furnish them with a trade. A part of the purpose, also, is to help support the institution by the practical work accomplished. The graduates of these schools, almost all of them, become ministers or teachers.

The Lowell Textile School has had no trouble with the labor unions, nor has the question of belonging or not belonging to a union affected its selection of pupils.

NOTE.

ACTS AND RESOLVES OF THE STATE OF MASSACHUSETTS, CHAP. 475, OF 1895.

AN ACT RELATIVE TO THE ESTABLISHMENT OF TEXTILE SCHOOLS.

Be it enacted, etc., as follows: —

Establishment of textile schools in cities.

SECTION 1. In any city of this Commonwealth whose mayor shall, on or before the first day of July, in the year eighteen hundred and ninety-five, file a certificate with the commissioner of corporations that said city has in operation four hundred and fifty thousand or more spindles,* not less than seven nor more than twenty persons, citizens of this Commonwealth, may associate themselves together by an agreement in writing for the *purpose of establishing and maintaining a* TEXTILE SCHOOL *for instruction in the* THEORY *and* PRACTICAL ART *of textile and kindred branches of industry*, with authority to take, by gift or purchase, and hold personal and real estate to the amount of three hundred thousand dollars. A copy of said agreement and of the signatures thereto, sworn to by any one of the subscribers, shall be submitted to the governor; and, if he shall certify his approval of the associates as suitable for the purposes of their association and of this act, said associates shall, for said purposes, after due and proper organization by the adoption of by-laws and the election of officers, and after filing a certificate of such organization and the certificate of the approval of the governor with the secretary of the Commonwealth, be and remain a corporation, with *all the powers and privileges and* subject to all the *duties and obligations of corporations organized for educational purposes* under chapter one hundred and fifteen of the Public Statutes. Said corporation shall be known as the Trustees of the Textile School of the place in which it is located, and shall have power to fill all vacancies in their number, however occurring, except as otherwise provided in this act. There shall be only one school incorporated under the provisions of this act in one city.

City may appropriate a certain sum, etc.

SECT. 2. Any city in which such a corporation is organized may appropriate and pay to said corporation a sum of money not to exceed, in any case, the sum of twenty-five thousand dollars; and upon the appropriation and payment of said sum, *or any part thereof*, by any such city, the mayor and superintendent of schools of such city for the time being shall be and become members of said corporation, and the mayor and superintendent of schools of such city shall thereafter be members of such corporation.

*Only Lowell and New Bedford filed certificates.

Certain sum to be paid from treasury of the Commonwealth, etc.

SECT. 3. Whenever any such city shall appropriate and pay to any such corporation *any* sum of money, or whenever the trustees or members of any such corporation shall pay into its treasury, for the purposes of the establishment and maintenance of such school, *any* sum of money, there shall be appropriated and paid to said corporation from the treasury of the Commonwealth a sum of money equal to the total amount thus appropriated and paid; but in no case shall there be paid to any such corporation by the Commonwealth any sum of *money exceeding twenty-five* thousand dollars, and upon the appropriation and payment of any sum of money by the Commonwealth for the purposes of any such school the governor shall, with the advice and consent of the council, appoint two persons to be members and trustees of any such corporation for two and four years respectively, and thereafter such persons and their successors by similar appointment shall be and remain members of said corporation. The governor, with the advice and consent of the council, shall fill all vacancies however occurring in the membership created by this section.

SECT. 4. This act shall take effect upon its passage.

Approved June 5, 1895.

THE GEORGE JUNIOR REPUBLIC.

BY PROFESSOR J. W. JENKS, OF CORNELL UNIVERSITY.

[Abstract of an address delivered Friday morning.]

In 1890 and the four years following Mr. W. R. George took some boys and girls from the poorer classes of New York City to Freeville for a summer vacation. His experience in managing them during these years gave him the idea of forming them into a self-governing republic, and in 1895 the Republic was formed.

There have been present each summer from 130 to 170 children, aged from ten to twenty years, and for the last year some 30 during the winter also, many of them from the criminal classes, and practically all of them from what is called the "submerged tenth."

Mr. George's plan is to put the children so far as possible into the conditions of real adult life, by throwing upon them individually the entire responsibility of earning their own living and governing themselves. Of course, provision is made so that anyone who wishes work will not fail to have work. The farm on which the Republic is situated contains about fifty acres, and many of the boys work on the farm; others work in the shop where they are taught the elements of carpentry; others are given work in making roads and paths, digging ditches, cleaning grounds, etc., while others find employment in the restaurants and lodging-houses, and the girls in the sewing, millinery, cooking, and other classes. Wages are paid in Republic money stamped out of tin, which is also received by the Republic for everything furnished the children.

Each child pays for everything he receives. During the first year of the Republic there was a "pauper" table, so that the lazy at times were supported by the thrifty; but the second year the legislature passed an act declaring that "no tax shall be levied for the support of the boy or girl who can work and won't." The idle boy or girl is compelled by necessity to earn his living as soon as his credit among the other children is exhausted. Foolish children, who spend their money on candy and fruit offered them by the shrewder children at high prices, not unfrequently have to go without their meals; and at times a boy sleeps in the police

station, and then breaks stone on the stone pile for three hours the next day to pay for his lodging, because he has spent the money foolishly which he should have kept for his bed at the "hotel."

The constitution of the Republic declares that the "citizens" are under the Constitution of the United States and that of the State of New York and that their laws are those of the United States and of the State of New York, supplemented by such laws as the Republic itself may pass. The children above the age of twelve have the right to vote. A "House of Representatives" is chosen weekly, and a "Senate" bi-weekly, the "House" in the proportion of about one to twenty, and the "Senate" of about one to thirty citizens. The President of the Republic, chosen from among the boys themselves, for a period of one year, does not hesitate to veto bills which he considers injurious. Laws have been passed by the legislature forbidding gambling, and the use of tobacco; and a special tariff of 35 per cent. on candy and apples brought into the Republic has been levied, as well as special personal taxes.

The children have instituted a Board of Health to inspect the rooms, beds, etc., and have appointed a committee of investigation to see that prisoners are properly treated, and that the jail is kept in good condition. Cleanliness is secured not merely by the Board of Health, but by special regulations providing that baths shall be taken regularly. The self-restraint of the legislators is shown by the fact that a bill which passed the "House" permitting citizens to stay out till eleven o'clock at night was voted down in the Senate.

Laws are enforced by courts and an efficient police force. Arrests for disturbance of the peace, fighting, and for other misdemeanors, as well as for petty theft and small crimes, are likely to be common early in the season, but become rare later on, after the efficiency of the courts has been proved. A sentence to the workhouse is no trifling matter, for it means that the prisoner must work hard all day under guard, can get no pay except the simplest kind of food, and gets little sympathy from the better class of "citizens"; while a boy who commits a crime, besides the punishment mentioned above, must undergo the disgrace of wearing stripes and having to perform severe labor under harder conditions.

The chief interest of the Republic, perhaps, is to be seen by viewing it in its pedagogical aspect. In this regard it seems to be

sound. The children learn their lessons by experience; and, as in life, they find out that they must take the consequences of their acts. They become self-reliant; and, as some of them have expressed it, they can "figger out that it costs more to be bad den good." The system teaches thrift. The foolishness of spending their last few cents for trifling luxuries appears, when the consequence is the loss of a supper or a night in the station-house with some hours' work on the stone pile. And this lesson is not given simply by word of mouth, but is impressed day by day so long as the child remains a "citizen" of the Republic. The lessons received are practical and moral in their tendencies; and the child learns to see things as they are in actual life far more easily and clearly than he can see them in the society of adults, for public opinion among children is more direct and more frank in its expression than among adults. Best of all, perhaps, is the respect for law that is inculcated, and that comes naturally when the children themselves are the law-makers. In real life it is largely contempt for laws that makes our slums and that gives us our "toughs" and anarchists. Contempt for law is the beginning of barbarism; and, as has been said, "in the contest with barbarism the George Junior Republic has taken its stand on the side of good government and patriotism."

Some social questions receive a peculiar illustration in this children's republic. The evils of competition as shown by the success of the contractor and of the speculator appeared very clearly last year; but, odd as it may seem, the socialist could derive little comfort therefrom, for the evils appeared most clearly when the State was the owner of all the means of production and individuals could reap their greatest rewards by manipulating the government managed by their political equals.

The Republic, although a great success, still needs many things. Owing to the lack of money, certain needs regarding drainage, bathing facilities, and more buildings for dwelling-houses, have not yet been met. For a similar reason also, sufficient provision has not yet been made for regular school training. For, while the Republic started as a summer scheme, it has now become possible to keep perhaps 25 per cent. of the summer "citizens" throughout the year; and it is hoped that in the near future a much larger proportion of the "citizens" may become permanent residents for two or three years, or until they are ready to enter independently into the life of the greater republic. It is also desirable

that more careful statistical records be kept regarding the course of conduct of each "citizen," in order that other institutions with similar purposes may get the benefit of the experience of this most interesting and valuable experiment.

One must not overlook, too, the fact that the really great success of this experiment is largely due to the personality of its founder and manager, Mr. George. While the boys make and enforce the laws, his ever-present counsel and sympathy, as well as his wisdom in helping the boys to see clearly and to realize fully the valuable lessons which their experience teaches them, are of course most prominent factors in producing the good results attained. His visits to boys in jail, and his companionship on the ball ground, are both invaluable. It is his originality, his sympathy, and his remarkable skill in dealing with them that have made this Republic one of the most helpful means of training and reclaiming children whose lives have been started on the downward path.

NOTE.— It may be added, on the authority of Mr. F. B. Sanborn, that the idea of intrusting boys with a currency and the government of a miniature town was earlier adopted than by Mr. George at the old Farm School in Boston Bay, when C. W. Bradley, a Vermont man, who was in charge ten years, allowed his ninety-five boys to build cottages and a City Hall, sell lots, have a zoölogical museum, etc., the whole experiment dating back some three or four years, and not open to objections raised against the Freeville community.

I. DEPARTMENT OF EDUCATION.

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1. A SKETCH OF RECENT MOVEMENTS IN THE EDUCATIONAL DOMAIN.

BY REV. DR. JOSEPH ANDERSON, OF WATERBURY, CONN., CHAIRMAN OF THE DEPARTMENT OF EDUCATION AND ART.

[Read Tuesday morning, August 31.]

On the 31st of August, 1837 (sixty years ago to-day), took place what Lowell has characterized as "an event without former parallel in our literary annals." On that day, before a remarkable audience, Ralph Waldo Emerson delivered his address on "The American Scholar." President Thwing, of the Western Reserve University, in the last number of the *Forum*, has made this event and Emerson's address the theme of an interesting essay, comparing the scholarship of sixty years ago and the scholarship of to-day in regard to the influences affecting them and the duties lying before them. As for the quality of that earlier scholarship as compared with the present type, President Thwing has little to say; but comparisons in this respect are easily ventured upon, and this, it seems to me, is quite obvious: that the scholar who stands on a pedestal, symmetrical and conspicuous, is not as frequent a figure as he was sixty years ago, but that scholarship, or at least educated intelligence, is much more widely spread. The school and the college probably enter more largely into the common life of the people to-day; and, besides these positive educational factors, there are various others which, half a century ago, had hardly begun to operate.

As for the place of the school in our modern life, the latest statistics of the National Bureau of Education bring the matter before us in a very matter-of-fact but very impressive way. It appears from Commissioner Harris's last report that the enrolment in the schools and colleges of the United States is nearly

16,000,000 pupils, and in special schools (such as business colleges, conservatories of music, Indian schools, reform schools, and the like) 418,000 more, making a total of 16,415,197 pupils. As these numbers unfold themselves before us, we cannot help exclaiming, "What a vast multitude undergoing the process of education!" This multitude consists, for the most part, of children and youth, who undergo the process for only a limited period, — that is, while connected with the organized school or college; and therefore it is that the condition of our schools and colleges, as regards effectiveness, must always be a serious, in fact, a momentous question. The time is short, the opportunity is transient. The wise man says, "Make the most of it."

All true educators and philanthropists are perpetually asking how we can do this, how we can improve our schools and colleges so as to bring them to the point of highest efficiency. The reformer finds here an open field. He is less hampered by traditions, or, at any rate, less apt to run up against an inconvenient conscience, than in the ecclesiastical realm, and so finds it easier to secure calm consideration for the innovations he proposes. President Adams, of Wisconsin University, speaking of our public schools, says: "I believe they are not half cared for. They are often poorly administered, they often have inefficient teachers; they often do not do one-half what they should for the best good of their pupils; and, when they have done their work, they leave a large percentage of the people above ten years of age who can neither write nor read. By all means improve the common schools in every way possible." The improvement of the schools is a work that enlists the attention and energies of very many, and the lines of effort are chiefly two: first, in regard to subjects to be studied; second, in regard to methods. How shall we adapt our teaching to the times and to the actual needs of men? and how shall we secure the greatest efficiency therein?

It is noticeable that a good deal of attention has recently been given to the economy of time in the educational process. A few years ago President Eliot, of Harvard, contributed a noteworthy paper to the *Atlantic Monthly* on the possibility of shortening the college curriculum by improving the methods alike of the professor and the student; and this was entirely in keeping with the general drift of things.

One cannot help recognizing in this connection the importance of the movement inaugurated at Chautauqua some years ago, which

has developed into that interesting but somewhat uncertain institution known through all the land as the summer school. Our country is full of summer schools,— some of them comprehensive, like Chautauqua and Greenacre-on-the-Piscataqua, others devoted to a specialty, such as music, languages, or the comparative study of religions.* Whatever the merits or defects of the system, one cannot but approve the effort it represents at economizing time, and especially at saving something from that wreck of days and hours which is so apt to take place during the months of July and August. It is a cause of congratulation that our colleges and universities, instead of antagonizing this wide-spread movement, are falling into line with it. The other day, on University Heights, in the city of New York, Chancellor MacCracken, of the New York University, stated the case in this way: —

> One of the striking educational features of this last decade of the century is the taking up of instruction in the summer time by leading universities. A few years ago summer teaching was almost wholly a matter of a few popular lectures and conferences at some attractive rural resort. Besides these, were certain private enterprises, some of which were carried on in college towns and college buildings. The feature of to-day is a number of universities officially announcing summer instruction. The foremost of all in the amount of work attempted is that youthful giant, the Chicago University. Chicago makes its summer term of three months equal in importance to any of the other three terms of the year. . . . The result is significant. More than one thousand students were in actual attendance in the summer term of 1896, and the number will perhaps be increased to twelve hundred the present summer. Chicago is accordingly making herself felt in every quarter. More than two hundred college and university faculties had one or more of their professors or instructors attending Chicago University in the summer of 1896. In New England and the Middle States four universities have established summer work; namely, Harvard and Clark in Massachusetts, and New York and Cornell in the State of New York. These four schools together have about a thousand students, of whom two-thirds belong to Harvard.

"Can we doubt," asked Chancellor MacCracken in this same address, "that universities should attempt summer work? A university gathers a faculty of specialists. Ought not their acquirements to be given the widest possible use?" It is doubtless such

*Those who are especially interested in the proper disposal of the World's Fair Building which was transported two years ago from Chicago to the Connecticut shore, propose to make that the headquarters of a summer school of American history,— a purpose which its antecedents very naturally suggest.

considerations as this, coupled with the obvious needs of the poorer class in our cities, that have led to a still further development of the economical idea in the opening of "vacation schools." I do not know how widely this experiment has been tried, but I find in the public prints interesting accounts of vacation schools that have been conducted this summer in Hartford and in New York. The number of children applying for admission in Hartford was over 700; the number registered was 145; the average attendance 101,— a percentage of over 90, which is very high. The ages of the pupils ranged from seven to fourteen years. The experiment in New York was conducted under the auspices of the Society for Improving the Condition of the Poor. Ten schools were opened in public school buildings, and the attendance was very large. Over a thousand were registered in one school. It is to be hoped that vacation schools will become established in all our cities; for in all our cities there are school buildings and school apparatus standing idle all the summer through, which might better be used, if a legitimate use can be found for them, and out of the multitude of teachers a sufficient corps could readily be secured to do the necessary work for a reasonable compensation. The New York schools were supported by voluntary contributions.

By the measures thus far referred to, the number of those who may be considered as attendants at school or college must be very considerably increased. In these cases the school, however informal, has a tangible existence, has an organization, a local habitation and a name. But, to appreciate the breadth of the movement I am describing (I do not say the depth), we must take account of what has been done and is doing in the line of "university extension." Dr. Frederick Paulsen, of Berlin, in his elaborate paper on the "Evolution of the Educational Ideal" * touches upon this subject as follows: "In countries where the English language is spoken, the universities (since 1870) have endeavored to make education accessible to those who, desiring self-improvement, are prevented by reason of their daily vocations from taking a regular scientific course. In Germany, also, the universities are about to follow this example, and I do not believe that the bugaboo of 'superficial education,' which is occasionally raised in the newspapers by the representatives of 'thoroughness,' will intimidate them from carrying out their design." I have the impression that in this country the scheme is not likely to be as great a success as

* See the *Forum* for August, 1897.

in Great Britain (perhaps it has a kind of rival in the summer school); but, judging from very recent indications, it is likely to have a new trial under new auspices. I refer to the Home University League, connected with the educational department of the New York *Times*, and the so-called Cosmopolitan University, which is just now projected by the proprietor of the *Cosmopolitan Magazine*. In this university, we are told, students will be subjected to no expense of any kind. They are to forward their names and addresses to the president, and a statement in regard to their occupations, aims, previous courses of study, and the studies they desire to pursue, and pledge themselves to devote a certain number of hours to study every day. Recitations and examinations will be carried on by correspondence, after the Chautauqua plan. I have seen it stated that some time ago sixteen hundred applications for enrolment had already been received. The expense involved is likely to be great; but Mr. Walker, the promoter of the scheme, has confided to the public his expectation that he will get back "some, if not all, of this money" through the advertising which his magazine will thus receive.*

As an offset to this movement toward "extension," the only fact of importance that has come to my notice is the change of policy adopted at Williams College, which seems to be a change in the direction of limitation. Amid the universal craze for organization and consolidation and expansion and bigness the Williams College scheme has its attractions. It proposes to diminish instead of enlarging the classes: first, by reducing the amount of aid extended to students; and, secondly, by raising the standard of requirements for admission, and making the whole course one of higher scholarship. In the scientific course — a course adopted a few years ago with reference to increasing the number of students — the new requirements are said to be almost prohibitive. They are certainly as rigid as any in the country. It is reported indeed that, with a view to making Williams a distinctively classical institution, the question of abolishing the scientific course altogether is under consideration. The time has perhaps come for a reaction against universal extension; and this experiment, if really entered upon, will be watched with much interest.

This case of Williams College brings before us not only the question of methods, but the question of subjects,— of courses of study, of a reformed curriculum. This is a matter upon which

* A general outline of Mr. Walker's plan was given in the *Cosmopolitan* for September, 1897.

much thought has been bestowed ever since the conflict between the scientific and the classical view of things began (or, as some would prefer to say, between the practical and the ornamental). The increase in the number of electives in our colleges has taken place at the demand of the champions of a more practical training, and the same influence can be traced in the increased number of those who study for a specialty. The same worship of utility which condemns a college training as worthless for the business man leads the friends of the college to modify the college curriculum, so that business men may discover its value and its utilitarian possibilities. We should of course rejoice that learning is in our day becoming practical, that it comes home to men's business and bosoms. But, if any man ought to rise above the domination of the *auri sacra fames*, that man is the scholar ; and he ought not to forget that specialization may be carried too far, to the serious injury of general culture. It does not follow, however, that the function of the manual training and trade schools is not a most important one; and it is to be hoped that the reports on this subject, this year, will bring us a record of progress and prosperity.

A sign of progress worthy of mention here is that afforded by the movement toward the establishment of authoritative courses of study, of courses which may be regarded as such by parents and others specially concerned. A recent writer in the *Outlook* (July 24, 1897) speaks of the "disposition of leading schoolmasters throughout the country to co-operate in establishing, so far as possible, a uniform basis of work, founded on experience and scholarly investigation as to the best courses of study in all branches of knowledge." A committee of ten, with Dr. Nicholas Murray Butler at its head, has already done good service in this field, and is likely to go on doing it. Here, too, we may refer to the action of the authorities of New Haven, who have decided to introduce into the schools of that city the study of the city ordinances,— those that apply to the care of the streets, the commission of nuisances and violations of the laws of good order and good health.

The mention of this subject brings us near to the great question of the relations of morality and religion to the courses of study in our schools. Some years ago Professor J. R. Seeley called attention to the fact that nowhere in all England was there any definite instruction given in morality. I know there are those who doubt whether such instruction is possible or desirable, but there are

others who feel that it is one of the imperative needs of our time. Heretofore the matter has been discussed in connection with the contention of the Roman Catholic Church in favor of school instruction in religion; but to-day it rises before us in a somewhat different light,— for example, in such utterances as this in a recent number of the *Outlook*: —

> The greatest desideratum in our public-school system is the development of its moral and religious power. By moral power, we mean power to make its pupils recognize the laws of right and wrong; by religious power we mean power to make them recognize the truth that these are not empirical rules of conduct, formulated and enacted for convenience, but are all applications of one great eternal, immutable, divine law. The old-time distinction between the religious and the secular is untenable. Even a factory or a bank cannot be carried on successfully without the recognition of ethical rules resting upon and drawing their sanction from eternal and immutable law. But the school is more than a factory or a bank. Education is character-building; and the very foundation of character is reverence for law, not for human edicts, but for divine principles.

We have learned in the past that the subject is beset with difficulties, but it is a subject which will not keep down out of sight. We might hope to find some aid in the solution of the problem in the Sunday-schools of the land, if these were really schools. But, notwithstanding the immense amount of labor laid out upon it by specialists during the past thirty or forty years, the Sunday-school stands to-day the embodiment of superficiality. Who shall teach the great army of Sunday-school teachers throughout the world that Sunday-school teaching is a science as well as an ecclesiastical function or an act of devotion? And who shall teach them to make use of their precious and brief opportunity of imparting to the rising generation instruction in morality? I see that President Hall, of Clark University, has been talking recently to the young people of the Christian Endeavor Societies of the significance and seriousness of oaths and vows and Christian Endeavor pledges and the demoralizing effect of their habitual violation. But these young people ought to have learned all this long ago in the Sunday-school and in the family.

This brings me to the last point that I shall touch upon. We have seen to-day what a process of education is being carried on outside of school hours and school buildings. But I wonder whether we appreciate the educational processes perpetually going

forward apart from all systematized instruction. What is it that educates those who have passed beyond school days, and who perhaps have a contempt for learning? A year ago, in our educational session, I referred to the educational influence of the fraternities which have become so numerous in every American community. I spoke also of the education imparted by the newspaper. We shall hear to-day of the educational influence of the drama. But above all these influences stands, or ought to stand, as an educating force, the *family*. The time has come for recalling men to a recognition of the function of education in family life. This, as we have seen, is not simply a training of the intellect: it is character-building, and the place of all places in which to conduct this important, this sublime process is the household. For years past the family has relinquished the task of moral and spiritual training to the school and the various Sunday organizations; but it must resume it, and thus vindicate its importance in the national life. I observe that the "George Junior Republic," of which we are to hear more definitely later in the week, is being severely criticised for its failures and excesses. I know less about this "Republic" than I ought; but it occurs to me that, if its failures are serious, they may be explained in part by the fact that it is a republic of individuals, and not a republic of households. The household seems to be the unit in national life; and individualism, thus embodied and magnified, must ultimately fail. One of the great tasks of the coming time in this American nation — this nation of boarding-houses, this nation of youths running at large, this nation anxiously endeavoring to naturalize the chaperon — is the restoring of the family to its place and the developing of its educational power. God speed all true reformers, but, above all others, those who make this their sacred aim!

2. THE PERVERSION OF FUNDS IN THE LAND GRANT COLLEGES.

BY D. G. PORTER, ESQ., OF WATERBURY, CONN.

[Read Tuesday morning.]

In July, 1862, the Congress of the United States passed an act distributing vast areas of the public lands among the several States in the ratio of their population, the proceeds of the sales of which were to be devoted, according to the exact language of the act here quoted, to the endowment and maintenance of colleges "in which, without excluding other scientific and classical studies, and including military tactics, the leading object should be to teach such branches of learning as are related to agriculture and the mechanic arts, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."

Now, with much that is crude, obscure, and ambiguous in the language of this act, one thing at least is plain, and that is the purpose for which and the parties for whom the benefit of the grant was chiefly intended. It was for the *industrial classes* and to promote their *liberal* and *practical education.* This is the one thing that is absolutely plain in the language of the act. It will be observed, also, that the industrial classes were to be educated *in* and *for*, not *out of*, the several pursuits and professions of life.

It will be seen at once that the problem here proposed for legislators and educators was not one of the ordinary kind. If the purpose had been to furnish educational facilities for the comparatively well-to-do, non-industrial classes, the matter would have been simple enough. It would only have been necessary to establish the colleges and equip them with the necessary apparatus of instruction, and invite the students to attend and pay their bills. But for the industrial classes, obliged to work for their living, and who had not time and means at their command, and who, under the ordinary arrangements, could not pay their bills, the case was

entirely different; and it was perfectly plain, or should have been, that colleges of the kind already existing, which only the comparatively wealthy were able to attend, would not answer the purpose. Plainly, it would be of no use whatever to establish colleges for the industrial classes which they could not attend. Evidently, the necessities of the industrial classes and the conditions under which they could attend, were to be, at least should have been, the first subject of consideration on the part of those who were to establish the colleges. Unfortunately, however, this seems not to have been the case. The colleges established were in the main, so far as facility of attendance was concerned, on a precise parallel with those already existing for the non-industrial classes, whose opportunities were thus largely increased. And so it has come about that millions of the people's money devoted by act of Congress for the express purpose of the liberal and practical education of the industrial classes, have been so appropriated and applied that they could receive no benefit from the appropriation; and the comparatively well-to-do, non-industrial classes have entered into the inheritance from which they were excluded.

How the Mistake was made.

But it behooves us to inquire whether this state of things has come about of necessity, as an inevitable result of the circumstances of the case, or whether it is somebody's fault. For they that have done this deed are honorable, and will, *perhaps*, with reason answer you.

Now, as above intimated, it was, or should have been, obvious from the first that, in order to give college privileges to students from the industrial classes, some special provision would be necessary; and, also, that cheap tuition, even free tuition, would not answer the purpose. The expense of $100 a year would as effectually debar the student as an expense of $1,000 a year if he could not get the money. And how many young men from the industrial classes proper could furnish even $100 a year, which is, by the way, much less than the amount required, in the most inexpensive colleges, for four continuous years at the age when young men seek education?

The futility of manual labor schemes, so called, had already been proved. But one conclusion remained. There was and

there is absolutely but one way to place the education intended by the grant within reach of the industrial classes of the country. That is, by allowing them the opportunity of earning during one portion of the year what they will need to spend at college during the other portion. This plan is also indicated by the order of the seasons, and by the fact that three-fourths of the industrial classes, including all the farmers and farm laborers, who are more than half of the whole, are intensely busy during six continuous months of the year, while they are subject to a period of almost enforced leisure during the other six months. For example, the farmer who has four sons, will need to keep every one of them busy on the farm in this latitude from May to November, while from November to May he can spare three of them as well as not, and without seriously diminishing the income of his business.

This leisure period is then, very clearly, the time that some of them should be at college, and the only time when they can be. The same may be said of another large contingent of the industrial classes; to wit, the masons, carpenters, bricklayers, brickmakers, painters, and all whose occupations are active and pressing in summer, but scarcely remunerative at all in winter. These considerations point inevitably to the conclusion that, whatever is done at the colleges in the summer, there should at least be a six months' term for the industrial classes during the winter, especially when we consider the further fact that such an arrangement would be as good as any other for those of the industrial classes whose industries are uniform throughout the year, and that a capable young man, either on the farm or in the workshop, could, if this opportunity were allowed him, earn enough during the summer to support him at college during the winter. I may add that the effectiveness of this plan had already been proved in the common schools and academies of New England.

Now how did it happen that these obvious and all-important considerations, which would seem to include the *sine qua non* of collegiate education for the industrial classes, were either carelessly overlooked or of deliberate purpose disregarded?

In order to an intelligent answer to this question, it will be necessary to revert briefly to the history and development of collegiate education in this country.

The Method and Purpose of the Denominational Colleges.

It is well known that previous to the Land Grant of 1862 nearly all our colleges were denominational institutions, established primarily for the purpose of educating men for the ministry and other learned professions. It is important to observe in this connection that they were not intended for the education of the industrial classes, who were to remain industrial, but precisely the reverse. A boy was taken from the farm or workshop, where he was working and learning to work, to become a minister or lawyer or doctor. His industrial life was at once broken in upon; and he was expected to work no more with his hands, however busy he might be in his non-industrial occupation, so that he was educated not *in* or *for*, but *out of*, the industrial classes.

Now we have no criticism to make on the methods of these colleges. They were good, perhaps the best, for the purpose for which they were intended. Also, the money which endowed these colleges was not taken from the public funds, but was contributed by individuals, and raised by the denominations which controlled them; and no one has a right to find fault with them for accomplishing their own ends with their own money in their own way. But, when money in large amount is devoted from the public treasury for the express purpose of educating the industrial classes, the case is decidedly different. We have then a right to inquire who has taken this money, and what they have done with it, and whether it is answering the purpose for which it was designed, and, if not, why not. The people of this country have a very large interest in these questions, for millions and millions of their money have gone in this way for these purposes.

The Remarkable Privileges of College Professors.

But, in order to an intelligible solution of the questions here proposed, it will first be necessary to consider the situation of the professors in our American colleges, keeping in mind also the comparative condition of the industrial classes for whose benefit the professors in the Land Grant colleges are supposed to be laboring.

The teachers in our public schools are at work from five to six hours a day, for five days a week, most of which time they are en-

gaged in hearing recitations and drilling their classes. The laborers in farm or factory work not less than ten hours a day and six days a week, so that the teacher works on the average half as long as the farm or factory employee, and gets on the average twice as much money. The advantage of the teacher therefore over those engaged in industrial pursuits, as regards hours of work and payment received, is as four to one. This is as much as the industrial classes, who may perhaps, be regarded as the employers in this case, think to be reasonable. But the average professor in American colleges has generally only three recitations, of an hour each in a day, perhaps more generally, only two; and he also works only five days a week. That is to say, supposing him to be thoroughly equipped, so that he needs to spend no time in preparation, or in taking successive classes over the same ground year after year, he is engaged in his proper labor during the whole week just about as many hours as the laboring man works in a single day. But this is not all his advantage. He works less than two hundred of the more than three hundred days which make up the year for the properly industrial classes. The business man and his employees generally contrive to get two to four weeks for vacation; lawyers and ministers, generally about the same, the latter sometimes a little more. But the college professor has three solid months in the year, every year, for vacations; while his Saturday holidays and other incidental holidays make half as much more.

Four months and a half of the twelve for vacations and holidays is surely a liberal allowance; but, if we include Sundays, he has nearly six months of the twelve. In other words, while the industrial classes have one day in seven for rest and recreation, the college professor has about one day in two, not to speak of the very remarkable difference between a day's work of ten hours in the one case and three in the other.

Now, in view of these facts, must we not regard the position of a college professor as about the softest and most desirable that a worthy candidate for place and honors can aspire to? Even the appointees to government offices, who, since the days of Andrew Jackson, are understood to be enjoying the spoils of political victory, are not so well fixed; for their tenure of office is generally brief, while the professor is understood to be in for life.

Now, as above intimated, this may be perfectly proper for professors in the denominational colleges. It is well enough that they should have abundant leisure, and be largely free from the ordinary

anxieties of life. Some of them are pursuing original investigations and writing books, by which to increase their own fame and the sum of human knowledge. Besides, they are not working for the industrial classes, but, rather, for those who have time and means at their command, who desire leisure on their own account, and who are not obliged to keep to any strict rule of economy, either of time or means. But to impose such a rule of extravagant wastefulness on the hard-working industrial classes, who do not get as much for ten hours' labor as the professor gets for one, nor half as much; to say to them virtually, You may come to college when it is pleasant and agreeable for us to attend to you, and if you cannot come then, you need not come at all,— who will say that such a régime is either wise or just? Who would not rather say that the man who, with his eyes open, would organize a college on this basis out of the public funds, the people's money, set apart expressly for the better education of the industrial classes,— who would not rather say that such a man would deserve a cell in the State's prison or a lunatic asylum?

The Temptation to Perversion of the Land Grant Funds.

Well, perhaps it would not be prudent at present to say either the one thing or the other. But a consideration of some of the attendant circumstances is certainly necessary to an understanding of the way in which the Land Grant funds were so generally perverted from their original purpose. For prominent among these was doubtless the desirableness of positions corresponding to those of the professors in the denominational colleges. Light labor, abundant leisure, secure position, comfortable salary, long vacations, honorable titles, aggregate a powerful temptation to those for whom such positions are within reach or reasonable hope.

When, therefore, it became known that something like thirty new colleges were to be established, giving opportunity for hundreds of new professors, there was naturally an eager interest among aspirants for professorial honors, especially when it was learned that the colleges were to be of a class which would probably not require very high attainment, and that the appointments were likely to be made largely through political influence in the State legislatures. Is it any wonder that under these circum-

stances the universal and insatiable ambition for office, which is the curse and bane of our political system, and which so seriously affects so large a proportion of all other men in public life, should affect also the learned class, and that those who succeeded in obtaining the charge of organizing the new colleges, should think chiefly of their own advantage and that of their associates, and, overlooking the distinctive purpose of the colleges as intended for the industrial classes, should proceed to organize them in such a manner as to leave all the privileges, perquisites, and prerogatives which were supposed to belong to college professors entirely unimpaired, and themselves on a par in dignity and privilege with the professors in the denominational colleges?

Whether a wonder or not, this at least is precisely what was done. Dealing with parties who were inexperienced and uncritical in educational matters, they were allowed to have their own way. They placed the colleges on an exact parallel, as regards economy of time and the sacrifice of all means of support, with the colleges already existing for the sons of the wealthy. The president and professors got their salaries and their long vacations at such times and under such conditions as literary men find it most convenient to be at leisure. Those who could be at the expense of education under these circumstances were welcome to come and get it; but for the great industrial classes of the country, for whose benefit the grant was especially intended, no provision was made which was at all suited to their conditions and needs.

Now let us suppose that, when the money of the Land Grant funds became available, there had also been available a fair degree of conscientious common sense and a little expert intelligence, and that the organization of the colleges could have been intrusted to capable statesmen and intelligent educators, whose sole ambition had been to make the fund available for the purpose intended; to wit, the liberal and practical education of the industrial classes. Such men, seriously pondering the problem before them, would have readily become aware of the facts above stated, leading to the inevitable conclusion that a college course of winter terms included the only really practicable solution of the difficulty. And, if there is any good reason why this obvious idea was not adopted, at least as a leading feature, by those who did organize the colleges, I confess that I have been unable to find it.

But, if there is no good reason, there may be at least a partial explanation in addition to that already suggested. Doubtless the

fact that the new colleges established under the act of 1862 were, in many cases, attached as appendages to colleges already existing, may be regarded as in some degree responsible for their perversion from their original purpose. The college terms would, in these cases, naturally coincide with those of the colleges to which they were attached, since the latter would not think it worth while to disturb their regular order for the sake of accommodating the industrial classes, who were, therefore, by this simple means, effectually excluded. In some cases, also, the funds of the grant were supplemented by private benefactions; and in this way its original purpose was to some extent lost sight of.

Mr. Cornell wanted to "found an institution in which any person could find instruction in any study"; and he passed over his own money and the large amounts derived from the Land Grant funds to President White for the purpose. Now we must give credit to Cornell as to some other of the Land Grant colleges, not only for much excellent work, but also for cheapening to a considerable extent the expenses of the ordinary college course. But, after all, it must be said that the "any person" of Mr. Cornell's famous dictum, like the "industrial classes" of the grant, has dwindled to an insignificant minority of students from the really industrial classes, and these much better off than the average of their neighbors at home. Mr. Cornell's "any person" has been practically interpreted to mean any person rich enough to sustain himself at the university under conditions unfavorable for any, and absolutely impossible to the vast majority of those he desired to benefit.

The Right Way and the Proper Economy of Time.

But, in considering what our board of capable educators and statesmen might have done with the plan of education indicated by the order of the seasons and the condition and necessities of the industrial classes, we must of course remember that six months are only half the year. But, for the industrial classes, half the educational loaf is surely better than no bread. But let us see what can be made out of the six winter months. The regular college year for those who have the whole year at their disposal consists of only one hundred and ninety working days, all the rest of the time going for holidays and vacations. But with the economy of time usually practised by the industrical classes, and

to which they are already accustomed, there will easily be one hundred and fifty working days in our six months' term; and we may safely calculate that we can easily put into it three fourths of the whole college year as usually counted, so that a four years' course, under this comparatively inexpensive arrangement, would be equal to three years by the usual plan. I may add that by lopping off some of the superfluous branches of study which are not only crowding, but actually vitiating, the ordinary college curriculum, our four years may be practically equal to the usual four years' college course; and the whole will be within easy reach of students from the industrial classes. But, if there is only a solid six months' term in winter, and no other provision is made, there will also be a solid six months' vacation in summer, during which the college buildings will stand vacant and desolate. Even if this were the case, the advantage of instructing five hundred students instead of fifty, would seem to furnish ample justification for the plan. But we are to remember that the Land Grant contemplates the practical as well as the liberal education of the industrial classes, and provides for illustration and practice as well as theory and principle. Indeed, in many branches of industry, in agriculture especially, besides a few general principles, illustration and practice are all that count. Of course, the home farm, where the student can be earning money as well as experimenting and applying principles, is the best for the ordinary branches of agriculture. But there are other branches of increasing importance, which can generally find no adequate illustration on the home farm. Among these are market, vegetable, or truck gardening, the culture of flowers in their endless variety, landscape gardening, the care and construction of greenhouses, dairying, etc. Some of these, like dairying and winter forcing, can be properly illustrated in winter; and the students pursuing the liberal course will find recreation as well as instruction in observing the incident operations during intervals of study. But, for most of these branches, the summer farm school will be necessary. And here the students would largely pay their way by assisting in the work, and would thus acquire a more thorough knowledge than if they were merely looking on.

The summer farm school would be generally attended only by such students as might desire to become proficient in those particular branches of agriculture which would find no proper illustration on the home farm, and for intelligent and capable students

one season would generally be sufficient for any branch with which they might desire to make themselves familiar.

The Great Importance of Trade Schools.

But provision must be made for the mechanic arts as well as for agriculture; and there is no more urgent need among the industrial classes of this country to-day than a State-endowed system of trade or technical schools. Nearly all the more profitable trades are controlled and limited by trade-unions who admit only those whom they please to admit, and shut out others, in order to secure a more complete monopoly, and leave employers and the public more completely at their mercy. Apprenticeships, however, are not popular with Americans; and it seems to be proved by experiment that a young man will learn more in six months in a properly ordered trade school than he will in a year or two years, working as an apprentice under a master.

So we need the summer farm school and trade school alternating with the winter college, for the liberal and practical education of the industrial classes. They will get both liberal and practical education in winter; for all liberal education is also practical in one way or another, and they will get illustration and practice in summer. They will take either or both, according to circumstances and their own preferences; and one or the other, and generally both, will be well within their reach and their means, because six months of labor will supply the means for six months' attendance at school or college.

After a careful consideration of the case in all its features and bearings, I am confident that no serious objection can be found to the plan above sketched, which, I repeat, is nothing new, but is simply the application of a principle long ago tried and proved in the common schools and academies of New England, in which many a farmer's boy, by working on the farm in summer and attending school in winter, received education enough to make him a valuable citizen, or sometimes even a capable legislator and statesman. By simply extending the plan of the old New England academy to the colleges for the industrial classes, we might have given them liberal and practical education in the proportion of four to one, probably ten to one of those who have received it now. And there would have been little need of Chautauqua circles,

Cosmopolitan universities, or those schemes of education which pass under the deceptive title of University Extension, by which it is proposed to gather up the crumbs which fall from the educational table, and cast them among the people, that those who are hungry enough may be able to get at least a nibble.

Wrong Views of Education and its Uses.

But, in order to understand fully the failure of the Land Grant colleges to accomplish their purpose, it will be necessary to consider briefly a popular fallacy in regard to the substance and use of education,— a fallacy which was to a certain extent embodied in the language of the Land Grant Act of 1862, as that language is usually understood. The words "in order to promote the liberal and practical education of the industrial classes," showing the scope and purpose of the grant, could scarcely be improved. But the legislators — who, it need scarcely be said, were not educators — were not content without indicating the means by which this object was to be accomplished. It was to be done by establishing colleges in which the leading object should be to teach such branches of learning as are related to agriculture and the mechanic arts. It was here assumed that certain branches of learning have an important relation to agriculture and the mechanic arts, and that it is practically important for farmers and mechanics to be well versed in these branches of learning. It was further assumed that courses of collegiate study could be arranged which should be made up mainly of branches of learning having a practical relation to agriculture and the mechanic arts. Great anticipations were of course formed as to the results of this new order of colleges. Agriculture especially was to become intelligent and profitable, and farmers prosperous and happy, as a consequence of teaching in these colleges those branches of learning supposed to be related to that most important industry. These anticipations were of course foredoomed to disappointment.

The simple truth is that there are no branches of learning, properly so termed, the pursuit of which would be of any practical advantage to the industrial farmer or mechanic. It is not, of course, to be forgotten or denied that science has rendered immense service to both these branches of industry. But the re-

sults of all this scientific work have been, and constantly are, and indeed, must be reduced to such form that only common sense is necessary to use and apply them. The obvious truth is, that to become proficient in any industral occupation or trade, what is needed is practice and illustration, and not the study of some branch of learning supposed to have a relation to it.

Let us, then, have the winter college composed of six-month terms for the liberal culture of the act, at which the student shall be at liberty to pursue, within certain prescribed limits, any course of study he pleases, since any course will contribute to his liberal culture, and alternating with this, or side by side with it, the farm school and trade school for the practical education proposed in the act. But, above all, let us not demand that students from the industrial classes, who have to work for their living, shall be obliged to sacrifice the whole year for less than two hundred days of study, and shut the colleges against those who cannot abide such an extravagant and wasteful arrangement. If we really mean to do anything for the education of the industrial classes as proposed by the grant, let us allow them six months of the year to earn the money they will need to defray their expenses at college during the other six, not forgetting that this other six will be equal to more than three-fourths of the year, as reckoned by those who have the whole year at their disposal.

Several years ago the present essayist presented a view similar to that here given, in a prominent agricultural paper, under the title "What are the Agricultural Colleges good for?" and he had the satisfaction of receiving safely upon his shield the points of a half-dozen presidents and professors in the agricultural colleges, who undertook to reply, not one of them being willing to admit the practicability and propriety of the plan. But he has recently had the further satisfaction of learning that its most important feature — to wit, the college course of winter terms — has been introduced with great success by President Northrop in the State University of Minnesota, the course of study in the School of Agriculture in that institution being virtually made up of winter terms. This was doubtless done by President Northrop's own motion, and of his own sterling, practical common sense, and without any suggestion from any outside source.

The History of Failure in the Agricultural Colleges.

The conclusion above reached as to the futility of attempting to promote proficiency in industrial occupations by teaching branches of learning supposed to be related thereto, finds ample confirmation in the history of the agricultural colleges. Based on the wasteful and extravagant system as regards time and attendance which prevailed in the denominational colleges for the comparatively wealthy non-industrial classes, very few of course of the properly industrial classes could attend them at all, though some provision was made in some of the colleges by which some of the students could do something for their own support by work about the college. But those who were able to attend generally found the so-called agricultural course dry and uninteresting; and many of them chose, so far as they were permitted, to pursue other courses of study which promised to be more available for the purposes of general culture, especially where the agricultural college was connected with another institution. Many of those who started to take the agricultural course were not long in discovering that it would be of no practical value in their farming business, and left the college without completing the course; while, of those who graduated, probably less than a quarter returned to the farm. This at least was the proportion in the Massachusetts Agricultural College after three hundred graduates had left the institution.

The failure of the agricultural colleges was clearly apparent, and was freely confessed, except perhaps by those who had organized them and those who were receiving the salaries. At length, men began to cast about for the reason of the failure; and it was alleged, either through interest or ignorance, or more probably both, that the reason was because the noses of the students had not been kept down hard and fast enough on the agricultural grindstone. They had been allowed to study other things, and had thus been decoyed away from the farm; and their interest in agriculture was diminished rather than increased.

And so the demand was made that the agricultural colleges should be separated from the other colleges where the two had been connected; and when the appropriation of 1890 was made, by which the available funds were very largely increased, great pains were taken to bar out any undue allowance of the culture

which had stood approved by the experience of centuries. One Congressman showed his appreciation of the situation by adopting as his motto, "Nothing but agriculture in the agricultural colleges." The agricultural organizations were at this time prominent; and their leaders, probably taking their cue from the agricultural professors, and often without being educated themselves, assumed to know just what would be practical in education, and just what should be admitted and what excluded in a practical course of study. Among other things they induced members of granges, and other farmer organizations with whom they were in regular communication, to write by hundreds to their representatives in Congress, urging them by all means to exclude every language but English from the benefit of the new appropriation. These enthusiastic reformers seem to have completely overlooked the fact that the American farmer is largely dependent on foreign labor, and that, consequently, a speaking knowledge of a foreign language might be about the most practical thing he could learn. It is a well-known fact that laborers who have not yet learned English can be hired at a much cheaper rate than those who have, and by hiring such men, and instructing them about their work in their own language, the farmer would save a very considerable amount in his yearly outlay.

As a matter of fact, the agricultural course in these colleges really counts for nothing with a practical agriculturist. At one time it was expected that the graduates of these colleges, as knowing everything about agriculture, would be in demand as foremen on extensive farms. It is needless to say that the expectation was not fulfilled. Suppose a man who is a large farmer wants a foreman. A young man comes to him, and says: I have taken a thorough course in agriculture in such a college. Here is my diploma, signed by the president and fellows of the institution. The very statement will count against him. The thing that the practical farmer has learned to be especially suspicious of is the man that knows too much. But let a wide-awake, energetic young man come, and say, Give me a gang of green Swedes or Norwegians or Danes, and I will talk to them and instruct them about their work in their own language, and save you ten dollars a month the summer through on every man you hire; and he is the man who will get the job if there is one. This is a fair illustration of the wisdom of those who would drive every language but English out of these colleges by act of Congress, for fear that the

students would find something more attractive than what they call agriculture, that the colleges themselves would become too literary, and that the States were not competent to decide for themselves what kind of colleges they wanted. Farmers were to be educated as simple producers, with no brains for anything but their corn and potatoes, their wheat and their oats. The trade was everything; the man, nothing at all, or very little in comparison, and any education of the man except as a producer would of course be in the highest degree unpractical.

Alleged Progress in Agricultural Education.

It would be unfair, however, not to note that there has been a considerable advance upon the crude ideas with which the so-called agricultural education commenced. President Fairchild, of the Kansas Agricultural College, and president also of the Association of Agricultural Colleges recently assembled at Minneapolis, in his annual address before that body, in which he discussed the progress of agricultural education, is reported to have said that there have been three distinctive periods marking the progress of such education. The first was characterized by the idea of education *for* agriculture, which is substantially the idea stated above; the second idea was education *in* agriculture; and the third or present idea is education *by* agriculture. It is not surprising that the idea of education *for* agriculture should have been superseded in the agricultural colleges, especially when it was found that those who pursued the so-called agricultural studies were no better farmers than before, and that a majority of them never came back to the farm at all. Still, the idea is important, whether superseded or not; but the place for it is the farm school, and the proper methods of acquiring it, practice and illustration, rather than by pursuing in a college some branch of learning supposed to be related to agriculture. I have not a full report of President Fairchild's address, but perhaps he means by education *in* agriculture that, while pursuing the so-called agricultural course, the students were permitted also to study something else in this second stage in the development of agricultural education. If so, it was certainly a commendable advance.

By the third and present idea of agricultural education, President Fairchild means that a man may be as well educated and will

become as much of a man with as well-developed mental faculties by studying what is called agriculture, botany, agricultural chemistry, entomology, etc., as he would by pursuing any other course of study. Here is a distinct recognition of the idea that the principal object of collegiate study is the development and enlargement of the human faculties; and the assertion is made that this may be done as well by studying what President Fairchild calls the principles of agriculture as in any other way.

How far the possible fact that many of the agricultural professors are acquainted with no other means of culture, and could not teach or judge of any other, is responsible for this extraordinary idea, I have not the data to determine. But it will doubtless be admitted that such a state of things would be extremely favorable for the development of such an opinion.

History of the Land Grant Funds in Connecticut.

As an illustration of the unwisdom which has sometimes attended the practical dispensation of the Land Grant funds, we may refer briefly to the history of these appropriations in Connecticut. The fund from the act of 1862 in this State amounted to about $7,000 annually. As this amount did not seem to be enough to carry on a separate institution, or because the legislators did not know what kind of a college the State wanted, or whether she wanted any, they turned the whole matter over to the authorities of Yale University under the somewhat remarkable condition that the college should give free tuitions in agriculture and the mechanic arts amounting to *one-half* the sum she received annually from the fund. Now it need scarcely be said that students from the industrial classes proper did not appear at Yale in very great numbers; and the few, if any, who did attend, took courses in engineering and the mechanic arts, or, if they took the agricultural course, so called, they did so with a view to equip themselves as instructors. And, if any went back to the farm, they seemed to have produced no impression of superior skill and success due to the study of agriculture in the college. The course of study prescribed was, as regards practical results, a disappointment in Connecticut as elsewhere. This result might have easily been foreseen, and the reasons understood. But, with the perversity and unwisdom with which average human nature seems to be so amply endowed,

wrong reasons were assigned and wrong remedies applied. Finding that the seven or eight thousand dollars annually paid to Yale was making no perceptible impression on either the agriculture or the education of the State, a separate agricultural school was proposed to accomplish what Yale was conspicuously failing to do, the essential heresy that boys could learn farming by being sent to college being still tenaciously held, and perhaps fostered by certain persons who considered themselves eligible for positions as professors of agriculture. The legislature of the State made a small appropriation for the purpose, little dreaming what an increasing demand for unprofitable expenditure it was thus preparing. With the spirit of unreason which characterized the whole proceeding, and contrary to the advice of its own committee sent out to investigate the question of site, the legislature decided in favor of a place inconvenient of access and without railroad communication, in the most sparsely populated region of the State, for the location of the institution, unconscious apparently, or obstinately refusing to believe, that this single mistake would be fatal to anything like a satisfactory success for the institution, even if other conditions had been favorable. The gift of a farm and farm buildings, all valued at not more than $5,000, with perhaps other considerations not easily traced, proved sufficient to decoy the State, through its legislature, into a position requiring the unprofitable expenditure of more than fifty times that amount. It is said that some of the agricultural professors in Yale favored this peculiar location. In trying to account for this remarkable fact, I have sometimes imagined that these professors, who were deriving their salaries in part from the Land Grant fund, felt assured that no Connecticut legislature would ever be foolish enough to send the money of the fund to such an ineligible location, and that, in spite of the agricultural school to be there established, the income of the fund would still be assured to themselves.

But, if this was their idea, they reckoned without their host. They little knew what a Connecticut legislature, acting in the rôle of educators, and dominated by influences not here to be explained, was capable of doing. In April, 1893, such a legislature voted, by overwhelming majorities in both Houses, to take the money away from Yale, and give it to the Storrs Institution in the town of Mansfield in Tolland County, which county has, in its whole length and breadth, a population less than one-third that of the single city of New Haven. For this alleged breach of contract the

State has had to pay $150,000 as damages to Yale. But this is not all. For every student that goes to Storrs the State has to provide accommodations, there being almost none in the little village in which the so-called college is located, and no facilities for going to and from, as there would have been in a location near the junction of the two great railroad systems of the State.

On the whole, it may be said that the State is worse off financially by at least a half million dollars than she would have been if no Land Grant fund had ever been heard of; and it is not easy to see that she is any better off, either in her agricultural or educational interests, so far, at least, as the industrial classes are concerned. We have here an example of what ignorance and mismanagement can do with munificent appropriations given with the best intent. It is to be remembered, however, that several professors have been receiving salaries from these funds for the last thirty years; and, in this respect at least, Connecticut may be taken as an example of what has happened in other States. Somebody has profited by the vast amounts which have been paid out of these funds, whether the industrial classes have so profited or not.

Whether Yale did wisely or well in insisting upon her bond in a contract which no legislature ever had any right to make, is a matter which is fairly open to question. But that those acted foolishly who took the money from her and applied it to a use equally unprofitable, and with the effect of putting a most serious mistake still further beyond the reach of remedy, there seems to be not the least reason to doubt. The simple truth is that neither Yale nor Storrs ever had properly any right to this money, and the State has had to pay dearly for ever having let either of them have it; and in the case of Storrs the end of the payment is not yet in sight.

The most urgent and pressing need of Connecticut, next to men of intelligence and character and a sense of honor in her legislature, is a system of trade or technical schools for the competent instruction of her farmers, mechanics, and artisans. What the State has had to pay to Yale as a penalty for making a bad bargain worse, supplemented by such amounts as several of her cities would have been willing to pay to secure the location of such an institution, would have been sufficient for its equipment; and we should have had great benefit at small expense instead of great expense and small benefit, as the case now stands. Such is the

difference between wisdom and folly in the administration of these responsible matters.

The Serious Nature of the Mistake.

Returning now to the general subject: —

If of deliberate intention a benefaction amounting to many millions of dollars appropriated from the public funds for the education of the industrial classes, whose means of education are so limited, had been diverted from its original purpose to become the almost exclusive inheritance of the comparatively wealthy, who were able at some rate to provide the means of education for themselves,— if this, I say, had been done of deliberate fraudulent intention, then no crime of theft or embezzlement ever committed in the history of our times would be at all comparable to it either in the meanness of its malice or for serious result. No oppression of wage-earners could ever be so injurious and criminal as that which would deprive them of the promise of liberal and practical education for their children. I am aware that some who admit the wrong of this perversion of these great benefactions from their original purpose, hold the view that it has come about through inadvertence and the force of circumstances, and is nobody's fault. But the result is the same, whether it be inadvertence or fault; and, if the wrong is continued, we may have to reap the result in the future, as we have, doubtless, already to some extent in the past, in the violence of strikes and riots, in wild theories of finance enacted into law, and in the disastrous disturbance of our peace and prosperity as a nation,— evils and dangers which such a degree of education of the industrial classes as is well within our reach would best and most easily forestall.

What Ought to be Done?

The important question, then, is, What can be done, and what ought to be done to fulfil our obligation to the people, and to reduce the means appropriated for their liberal and practical education to available form?

In answer to this question I would say, first, Let the three months' winter term which is offered in some of these colleges as a slight recognition of their duty to the industrial classes or as an

excuse for not performing such duty, — let this three months' term be converted into a six months' term, and let these six-month terms be arranged in regular courses of study rising one above another, and extending over three, four, or five years, according to the method which President Northrop has so successfully inaugurated in the University of Minnesota. Then, in advance of any position which President Northrop has as yet thought it advisable to assume, let the students in these six months' winter terms not be obliged to confine themselves to something that is called agriculture, but let a liberal course of study be arranged for them with a large liberty of optionals, in order that these students may acquire the liberal education proposed in the terms of the grant. Then side by side with these winter terms, and extending with suitable recesses throughout the year, let there be a system of farm schools and trade or technical schools where students from the industrial classes can learn any desirable occupation or trade.

Now a word as to the construction of the act which provides that the leading object of the colleges shall be to teach those branches of learning which are related to agriculture and the mechanic arts. I have said that there are no branches of learning in the usual sense of the term, which have any very close relation to these pursuits as practised by the industrial classes. But the term is susceptible of another construction. Everything that a boy learns and is taught is learning. Every distinct trade or occupation which he thus learns and is taught, is literally a branch of learning, having the most direct and vital relation to the trade itself. Also, any gathering of boys or others assembled for the purpose of learning either of these occupations or trades is a college, in the literal, etymological sense; and it matters little whether the teaching and learning is effected by studying and lecturing or by illustration and practice.

The plan outlined above is therefore clearly admissible by a literal interpretation of the terms of the act. With this construction of his language, Senator Morrill may be found to have builded better than he knew. And, if the Supreme Court, through lack of philological and etymological training, should decline to accept this construction of the language of the act, still Congress would have the power to put upon it such construction as it pleases, or even to change the language in conformity to the general purpose. And it would seem that there can be no doubt in the mind of any intelligent person that this is *the* way to promote the liberal and

practical education of the industrial classes. An arrangement of this kind would immediately multiply by four, perhaps by ten, the attendance at these colleges. And, if the State should not wish to provide expensive residences for such an increased number of students, and the college were not located, as it generally should be, in a city large enough so that the students could find accommodation for themselves, as is the case with the University of Minnesota at Minneapolis, then let the State build barracks, with only the plainest necessary accommodations. The students are to learn soldiering as well as science; and there would be no good, but a positive harm, in accustoming them to accommodations better than they have at home. $5,000 thus used would be as good as $50,000 as sometimes expended.

The Influence of Right Action on the Course of Future Benefactions.

But, besides the unquestionable obligation to administer the Land Grant funds in such a manner as will best effect the object for which the appropriations were made, there are other reasons of great importance for a faithful administration of this great trust, to be found in the influence of such faithful administration upon the course of future benefactions. It not unfrequently happens that wealthy and benevolent men wish to bestow their wealth in such a manner that it may avail for the education of the poor and the industrious middle classes. Under our present system and with our present practice, this simply cannot be done; and there is little encouragement for making the attempt. The money which such men thus endeavor to bestow takes the usual historical course, and becomes the inevitable inheritance of the sons of the wealthy.

The late Daniel Fayerweather is a case in point. Having had very limited opportunities for education in his boyhood, it is said that he determined to bestow his wealth in such a manner that it would help young men situated as he had been to such education as he believed would have been of inestimable value to himself. But, being unacquainted with the course and conditions of collegiate education, he had to depend upon advisers, who told him the best thing he could do would be to give his property to certain colleges already existing; and five millions, more or less, have

been or are to be distributed among these colleges. It is probably safe to say that not one dollar in a hundred of his immense benefaction will ever reach any class of young men situated as he was in early life, and whom it was his especial desire to assist.

It is probable, indeed, that the salaries of professors may be increased, new professorships and free scholarships may be endowed, and palatial structures called Fayerweather halls may arise in some of the colleges. But, if this benefaction follows the prevailing trend, the general effect will be to raise the tone of college life in the direction of showy expenditure, so that the student of limited means will feel less at home and be less able to sustain himself in the college than before the benefaction was received.

It is perhaps time to inquire whether the general effect of the large amounts of money which are from time to time donated to our great universities, is not to raise them higher and higher above the reach of common life, and to write, *Procul este profani!* in letters of gold over their portals; whether these great universities are not, more and more, in effect, though not in intention, adopting the sentiment of the Roman poet, *Odi profanum vulgus et arceo.* It is well worth while, for those who have money to bestow in educational endowments, to consider whether the effect will be really to diminish educational privileges for young men in industrial life while increasing them for the sons of the wealthy, or whether it will be possible to place their benefactions in such way and form that they will be available for the better education of the poorer and industrial class. Let there be but one example of an institution which unquestionably and clearly gives the higher educational privileges to the common people, in such form and under such conditions that such as are so disposed can accept and profit by them, thus proving the effective availability of such benefactions, and the tide of benevolence will flow thitherward, or elsewhere to accomplish similar results, instead of flowing into the treasuries of the great universities to reappear in stately piles of architecture and a still more forbidding splendor, with increased opportunities for the sons of wealth, but in which the struggling masses, the sons of toil, the bone and sinew of the nation, can have no lot or part.

3. THE EDUCATIONAL FEATURES OF THE DRAMA.

BY REV. FREDERICK STANLEY ROOT, OF NEW HAVEN, CT.

[Read Tuesday morning.]

In discussing the educational features of the drama, we must ever remember that the educational element, or factor, is quite inseparable from each and every form of dramatic representation. Education is commonly limited to the discipline of the mental faculties; but, in the larger and perfectly legitimate derivative sense, education has to do with moulding and regulating the principles and the character. With linguistic propriety we speak of an education in vice or virtue, of mind and body, in æsthetics or calisthenics; in truth or falsehood, in perception of the real or unreal; and, since the appeal of the drama is to every phase and motive of life, the educational feature thereof works both upward and downward. One can hardly fail of becoming, for the time at least, a nobler creature in the contemplation of such a character as Harebell in the "Man o' Airlie," because, as William Winter says of the late Lawrence Barrett in the part, "this delightful character expresses devotion to the beautiful, the honest impulses of an affectionate heart, and the ideal of friendship that is too pure and simple even to dream that such a thing as guile can exist anywhere in the world." On the other hand, one can hardly fail of becoming a worse creature when exposed to the vile atmosphere of reeking sensuality which envelopes like a murky cloud many modern plays,—plays whose *motif* and situation suggest unutterable viciousness, but whose masterly constructive skill and breathless movement of plot enthrall the attention and secure the patronage of the fashionable *clientèle*. The drama, by which is meant either tragedy or comedy and the inferior species like opera, farce, and melodrama, educates upward through its appeal to thoughts and sentiments that enlarge the horizon of our diviner selves or it educates downward by stimulating certain propensities and passions which degrade manhood and woman-

hood. Even the thinnest of roaring farces does not minister to entertainment alone. There is an ethic in all relaxation. The lightest word of the lightest stage dialogue is, for the moment, a seed sown in the fallow ground of impressionable human hearts. I have noted a pantomimic gesture, expressed in the fraction of a second, which ought to bring a blush of shame to the most brazen cheek. And I have heard the crackling, inimitable laugh of that sterling comedian, the late James Lewis, when every joyous note seemed like pouring bottled sunshine into the seven by nine room of finite wretchedness. Ethical forces are *never* in a state of rest. The motion of their tides is accelerated or retarded by influences impalpable as the ether that permeates the void of space. *All* that one does, sees, hears, feels, experiences, and purposes, elevates or lowers the character, however imperceptibly. Hence, I say, there is no light or shadow upon the stage, no accent of voice or sweep of gesture, that does not infinitesimally shape human conduct.

It is undoubtedly the case that the educational feature of dramatic representation is the very last thought in the minds of the great majority that flock to the doors of the play-house. And it may be worth while, in passing, to remark that there are four principal classes of theatre-goers. The first is composed of people who do not know what on earth to do with themselves of an evening unless they visit the theatre. The second class is made up of men and women whose instincts are vicious, and to whom the drama is chiefly the means of gratifying erotic tendencies. They study the most attractive bill-boards and newspaper advertisements, and are lured by seductive promises of gilt and spangle, ballet and buffoon; and their faculty of appreciation seldom rises higher than the inanities of spectacular performances that are chiefly remarkable for appalling indecencies. The third class, by far the largest in great cities, comprises the multitudes worn and weary with the hard, hopeless grind of business and household cares, men and women who seek the diversion of light comedy or roaring farce merely to ease the stress of strenuous toil. It makes little difference to them *what* the play is, so that it prove entertaining. Patronage is chiefly determined by proximity. People go to the nearest theatre as to the nearest church. And, last of all, we have the relatively few people of refinement and culture whose appreciation of the best dramatic literature is at once keen and discriminating. Cherishing high ideals of art for art's sake,

but more especially for the function of art in educating the noblest faculties of the mind, this class of patrons will give no countenance whatever to corrupt and demoralizing plays. Their support is given exclusively to what may be termed the legitimate drama,— the drama forever glorified by the genius of Garrick, Siddons, Kemble, Macready, Kean, Booth, Barrett, and Irving; and it is wholly a work of supererogation to say to this intelligent audience that a constituency of this description will enjoy *very limited opportunities* for the gratification of a cultivated taste in matters theatrical. I have a friend of wide reputation as the interpreter of Shakspere and Tennyson in public recital. Recently he made a week's venture in the elaborate stage presentation of the "Merchant of Venice." Put on at great cost and with a competent cast, the play was enthusiastically received; but, when my friend approached certain shrewd millionaires for financial backing to restore high-class plays to the American stage, he was greeted with a cynical smile and a shrug of the shoulders, followed by the remark: "If you want $50,000 for an extravaganza, like the 'Girl from Paris,' I'll think of it. But Shakspere! Who cares for Shakspere now? He's a back number on the stage." In spite of the favor accorded the "Merchant of Venice" in this particular city, the judgment of the millionaire is sound. Pessimism in respect to present affairs dramatic in America is both thoroughly defensible and salutary. To see facts exactly as they are, and not as one would like them to be, is the first step in the programme of reform. And with this I submit the classification of theatre-goers for what it may be worth, and swing back once more into the main current of our discussion.

It was said a moment ago that the educational feature of the drama was the last thought in the minds of the majority of the patrons of the theatre. The fact remains, however, that, all unconsciously, this upward or downward process of education by stage example and motive goes steadily onward. It is too much to say that the theatre in every period of history reflects the morals of the people as a whole. It is not quite accurate to affirm that the theatre is a *predominant* factor in shaping the morals of the community. But *it is* safe to remark that there is a close connection between the plays that are most in evidence at a given period and the tendencies uppermost in the life of the community, Whether, in the large view, the history of the drama has been the history of education in vice, is the strong affirmative of

Christian moralists since the days of the Puritan Reformation. Hence the theatre as an institution is condemned *in toto*.

It is a very curious and interesting study to trace — if one had room in this paper — the growth of churchly hostility to the theatre. And I mention the church, because that organization embodies — or is supposed to embody — the highest ethical conceptions. In the earliest periods of history the drama was identified with religious rites and ceremonies. On the authority of Livy, it once formed a portion of the religion of the Athenian State. The theatre was a temple in which audiences were taught how the will of men and gods must submit to the inevitable force of destiny. The Greek tragic poets present religious truths with dramatic power. And Greek tragedies, well acted, produced on the listeners a powerful impression for good. But, confining our attention to the Anglo-Saxon period, it is to be noted that in England the theatre at first had considerable support from ecclesiastical dignitaries. One of the first theatres in the realm had Geoffrey, a monk, for manager. In the time of King James two notable archbishops — foremost for piety — gave strong prelatical sanction. But with the reign of Charles the First ended all connection between the church and theatre. At the death of the king the Puritan reaction set in, and thereafter it was war to the knife. A bitter and relentless opposition raged against the playhouse, which continued with unabated virulence down to a comparatively recent era. Actors had previously been described as the "Caterpillars of the Commonwealth," whatever this stunning epithet may mean; but it was reserved for Prynne, in his famous "Histriomastix," a book of a thousand pages, to exhaust invective and argument against the theatre. This divine, apparently of a somewhat peppery type, argued that plays were invented by the heathen: therefore, they must be bad for Christians. Where in the Bible is there any authority for the profession of an actor? Actors have been known to die after the play was over. Inference obvious. Theatres have been burned and audiences suffocated: *ergo*, Providence frowns upon that venerable institution. If I do not err, the same ridiculous deduction was advanced by certain American clergymen after the destruction of the Richmond theatre by fire in the beginning of the present century. Such puerilities are of a piece with the homily of Bishop Grindal, who traced the rise of the awful pestilence of 1563 to the wickedness of the stage.

But the enlightened common sense of many Christian moralists of to-day, both lay and clerical, resents such methods of attack. It is clearly perceived that, while the tendency of the modern drama fosters education in vice, it by no means follows that the mission of the *legitimate* drama is not as wholesome and uplifting as that of any recreative and educative force. The great and fundamental error in the traditional church view of the theatre is its singular failure to *discriminate.* The lumping process, by which plays good, bad, and indifferent are tarred with the same stick, labelled viciousness, is wholly indefensible from the view-point of ethics and sound philosophy. The dramatic instinct in human nature — I say it unflinchingly — is as much entitled to scenic representation as the prayer instinct is gratified by oral expression. And he who acts a part on the stage may as truly point a moral and ennoble a life as he who by his prayers with and for another opens the gateway to heavenly succor. At a meeting of the British Social Science Congress held in Manchester, one of the questions for debate was this very question of the moral and educational influence of the drama. The closing speech was made by a bishop of the Established Church, the presiding officer of the congress; and in the course of his address the bishop declared that he had witnessed many plays which had done him lasting good. He also mentioned an archdeacon of his acquaintance who confessed that in early life he had been saved from a gambler's fate by seeing a performance of "The Gamester." All of which reminds us of Hamlet's words when he determines to test his uncle's crime by the "Murder of Gonzago": —

> "I have heard
> That guilty creatures, sitting at a play,
> Have, by the very cunning of the scene,
> Been struck so to the soul that presently
> They have proclaimed their malefactions."

It is a curious fact that a certain class of moralists, who find no educational advantages whatever in the theatre, and who sweepingly condemn that institution, always apply the principle of discrimination in all that pertains to art and literature. One rarely hears a wholesale denunciation of art galleries. Painting and sculpture are recognized as among the foremost of all educational influences. Pictures that appeal to baser passions are ignored by cultivated people, as plays of the same description are

ignored. True art dignifies and uplifts human character. Art that is false to its mission may be technically superb, just as a demoralizing and unethical drama, when interpreted by Bernhardt in her portrayal of the dying agonies of a dissolute woman, may disclose the immense genius of that incomparable actress. But in either instance the effect upon the mind is morbid and unhealthy. Titian's "Venus crowned by Cupid," in the Tribune Gallery of the Uffizi Palace, is described by Mark Twain as "the foulest, vilest picture the world possesses"; but, according to this same author, Titian's "Moses" "glorifies the gallery." Clearly, if Mr. Clemens is right, one picture is of* hellish intent, while the other palpitates with ethical power. And the moralist will so discriminate. He will not proscribe *all* art because the same brush painted both "Venus" and "Moses." But very likely the same man will proscribe the stage without reservation simply because plays which resemble "The Clemenceau Case" or the infamous "Orange Blossoms" are as six to one of the "Man o' Airlie" type. What he *should* do is to avoid the six, and scorch them with tongue and pen, while he encourages the legitimate drama by his presence.

The same discrimination is exercised in the choice of books and reading. He who refuses to enter the theatre because many plays are most ojectionable does not proscribe all novels because much modern fiction is undeniably trash or worse. This class of moralists may even admit the force of Lord Macaulay's contention in his essay on "The Comic Dramatists of the Restoration," where this notable critic argues "that any work, or class of works, which has exercised a great influence on the human mind, and illustrates the character of an important epoch in letters, politics, or morals, should not disappear from the world." Our rigid censor, who puts the theatre beyond the pale of recognition because its tendency is commonly unethical and degrading, concedes in literature the inevitable blending of chaff and wheat. He would not refuse to go into a library because all books upon its shelves are not expurgated editions. He accepts the common-sense dictum that people must be permitted to discriminate *as they read.* And yet not infrequently this same individual will be found denying himself the rare enjoyment of certain clean and wholesome plays of a high order of constructive merit because, forsooth, the stage in general tends toward immorality and froth. He fails to see the

* It is supposed that this "Venus" was painted for a *bagnio.*

force of the very cogent principle that the best way of downing a thing that is bad is cordially to support a thing that is good, and that the surest method of emphasizing the morally educative features of the drama is by sustaining the plays which do most contribute to this end. The witty observations of Dean Hole, a dignitary of the Church, are aptly descriptive of such a state of mind. "There is a class of men," writes Dean Hole, "sadly too numerous, who cannot believe in use where there is abuse; who, if they see a withered branch on a tree, call for an axe instead of a saw, and cut it down instead of pruning it; who regard decapitation as the only cure for headache; and who, if rigidly consistent with their creed, would go about naked because some people spend too much upon dress; and would burn the vines, the barley, and the oats because some fools put an enemy into their mouths to steal away their brains. 'They make a desert, and they call it Peace.'"

With this plea for discrimination in judging the theatre as one discriminates in art and literature, I am duly fortified against the charge of clerical prejudice when I say that a calm review of existing stage conditions compels the verdict that impurity is rampant, and that the most pronounced educational feature of the drama of to-day is the education which it gives in vice. Coarse, flaunting, unbridled, and amazing indecency is the very warp and woof of the majority of plays now upon the boards. One who follows closely the programme of theatrical events must cordially agree with that person, evidently of the type known as "men about town," who writes as follows to the New York *Sun:* "I can stand living pictures, suggestive dances, risky songs, French morals, and all the rest of the modern drama in precept and example; but, when it comes to such scenes as may be found in" (naming two plays that held the New York stage for many months), "I think the time has almost come to call a halt, unless the management supply a lynching committee for the benefit of playwrights who devise such exhibitions." The author of this letter puts the case with refreshing frankness, but the question immediately arises whether the public or the manager is most at fault. Are nauseating and degrading plays demanded by a depraved constituency? Mr. James A. Hearn, a distinguished actor and playwright, in the course of his address in St. Paul's Church, Chicago, on "The Theatre as it is," emphatically declared, "There would be no vicious art if there were no patrons of vicious art, there would be no vicious literature if there were no patrons

of vicious literature, and there would be no vicious plays if there were no vicious audiences." And Mr. H. A. Clapp, of Boston, one of the most experienced and able dramatic critics of the Boston press, asserts that, "wherever the English language is spoken to-day, the theatre, on the whole, is in a mean condition." But he also lays the blame upon the shoulders of the public, and argues that managers have no inducement whatever to cater to cultivated people who "in the multitude of theatre-goers are only a drop in the bucket."

Into this question of responsibility for existing conditions I will not enter. Such debate hardly belongs to the scope of this paper. We are rather chiefly concerned with certain proposed methods of reforming the theatre,— methods which, at present writing, seem to bring forth but meagre results.

It is, for example, proposed by Mrs. Ella Dietz Clymer, herself for some years a well-known actress, that theatres shall be endowed as colleges are. Her thesis is that the drama shall subserve the higher life, and supplement the pulpit. And, if the drama is designed to purge mankind of passions, then dramatic art must be in a position where it can be dictator, and not dictated to. There must also be an endowed school of actors in which they can be taught the ethics of their art. Such endowment, Mrs. Clymer urges, will free the managers from yielding to the demands of the uncultivated, and with wise, conscientious critics in editorial chairs the theatre might be made to build up the higher life of the nation.

Theoretically, the scheme briefly outlined by Mrs. Clymer is far from despicable. There is no good reason on paper why a theatre may not be endowed like a college, a school, or a hospital. The benefits named might accrue after long and arduous trial of the method. But, practically, such a scheme is open to various objections. The great number of play-houses in large cities — which are, as a rule, profitable ventures — would require an endowment so enormous that the fortunes of many multi-millionaires would be seriously impinged upon by a plant subject to startling changes in method of conducting the business. A great loss of revenue would undoubtedly follow a first attempt to give the people dramas both of comedy and tragedy on a level of high and pure artistic excellence. And a single endowed theatre, dedicated to some unswerving ethical ideal, set down in the midst of a dozen other theatres delivered over to the common run of present stage

sensuality, would inevitably meet the fate of Edwin Booth's endeavor to establish a home for the production of Shakspere's plays. I have already adverted to the capitalistic unwillingness to embark in this form of theatrical enterprise. And, from the financial view-point, such unwillingness is good business. The George Peabody of theatrical endowment is not greatly in evidence. The *State* cannot be expected to supply funds for the experiment, because in that case a base-ball or any other amusement association might invoke assistance on the plea of saving a particular form of recreation from the demoralizing tendencies which now dominate the stage. Moreover, it is not the business of the State — all of us — to assist in solving a problem which only concerns some of us. Until there has been a more deeply significant ethical uplift of the entire population by means of educational and religious forces, an endowed theatre on a genuine ethical basis will be quite impracticable. The lowest factor in the competition — that is to say, the play which draws by far the largest constituency, like Hoyt's "Black Sheep" or "Brass Monkey"— must eliminate or swallow up the higher factor.

And, further, an endowed theatre of the type proposed would have to depend for its endowment upon a class of wealthy men who, I regret to state, are none too numerous in their protest against and absence from plays of the kind mentioned by the writer to the *Sun*. For it is one of the extraordinary and deplorable signs of the times in which we live that people of wealth and social standing will congregate to witness dramatic representations so full of moral mildew and soul-blight that one questions whether the scenes depicted by Couture in his painting descriptive of the decadence of Rome are not the logical culmination of such ethical imperviousness.

Nor is it to be expected that the wise, conscientious, untrammelled critic will cut any such figure in shaping the judgment of the public as Mrs. Clymer intimates. The critics may affirm, with practical unanimity, "We condemn this play as hopelessly immoral and inartistic." What will the public care? I have in mind at this moment a certain author whose manuscripts never got beyond the first manuscript reader in twenty publishing houses. "Cast down, but not destroyed," this writer of third-rate fiction became his own publisher, and cleared a hundred thousand dollars, while every magazine and newspaper critic dismissed him with a contemptuous line, or in a single paragraph relegated his books to

the limbo of trash. Does any one seriously suppose that the dramatic critic is more influential than the book critic in shaping popular judgment? A play may be hissed out of London or take the populace by storm in New York, or *vice versa*, and the dramatic critics will have little to do with its making or unmaking. Ballet and spangle, nimble feet and raiment of gauze, catchy songs and novel dances, daring situations and suggestive speeches threaded with feeble wit,— these are ingredients in the drama which, at the present low ebb of popular taste, defy the critic to replace with more wholesome material. The remedy lies deeper than his pen, deeper than Mrs. Clymer's endowment theory, deeper than the employment of State or municipal censor; but just where it lies it is difficult to say.

Another phase of effort toward reform is the definitely conceived, organized attempt of cultivated people to purify and elevate the theatre. Not long ago a meeting was held in Boston, of patrons, actors, and professional critics, who reasonably argued that "an institution which so extensively influences the moral and intellectual life of the community cannot be left out of account by those who seek to exalt that life." The purpose of the gathering was to propose some method of procedure which might prove one step, at least, toward elevating the stage. The outcome of the assemblage resulted in an organization empowered to lease a theatre, and provide for a short season of plays of high, unexceptionable quality, hoping thereby to test the public feeling and enlist popular support. Also, in the city of New York I note a movement whose result will be awaited with interest. That movement contemplates a theatre swayed by poetic ideals, the home of men of letters and lovers of art,— a theatre which appeals to the intuitive and the learned, and where literature of a noble order will find adequate scenic representation re-enforced by competent dramatic interpreters.

It is quite impossible to predict what measure of success, if any, will attend either of these undertakings. No such attempt has hitherto been successful. But there is some cheerful significance in the fact that here and there, in the actor's profession and out of it, a strong resisting current of bitter hostility is beginning to make itself felt against the slimy tide of present theatrical tendency that swirls and eddies through every flood-gate of popular recreation. For one, I am disposed to believe that the elevation of the stage is to be accomplished only as the stream of righteous tendency in

all life broadens and deepens in every community. The question of rescuing the drama from its degradation, so that its educational features shall become unfeignedly the inspiration of mind and heart, does not materially differ from many other ethical problems that wrinkle thoughtful faces with lines of anxious brooding. The reason why so much of modern life is distinctly unethical is explained by the absence of individual self-respect. Deepen the sense of the inexhaustible grandeur of human nature, and you mightily strengthen the bulwarks of individual virtue. The entire question of higher living for each of us personally, and a resulting increase of civic, domestic, municipal, and industrial probity, is chiefly a matter of personal self-respect. You may, for example, enact prohibitory laws until doomsday. Men will continue to get drunk just as long as they hold themselves cheaply. The conscious worth of a man is the measure of his abstinence from evil habit. Now you may have able and moral critics to scorch the indecent play; you may establish numerous agencies of theatrical reform similar to those described; you may hear churchly thunder reverberating against the theatre until the ear wearies of the noisy and ineffective bombardment,— still, lacking this deeply significant ethical uplift of the whole people, whose exciting cause must be a greatly enlarged self-respect, all such measures will be comparatively futile. When one can be made to feel that he is thoroughly cheapened by witnessing a licentious play, no matter how irradiated by the genius of the actor, there has begun in his mind a process of uplifting, which, if communicated by personal influence to other minds, and gradually to the entire community, ultimately sounds the death-knell of the immoral drama. And I hold, as already argued against the church, that it is illogical and illiberal to refuse to patronize the decent drama because, as an institution, the theatre is corrupt. It is indeed said that the status of the modern theatre is so *hopelessly* bad as to resemble the all-pervasive mood of the young woman, a well-known operatic star, who wrote Mr. Reginald De Koven, the librettist, apropos of her part: "I realize that an opera must be funny; but nothing funny must happen while I am on the stage, and I must be on the stage all the time." I submit, however, that the objectionable in dramatic art, however overshadowing, does not absolutely dominate the stage; and I could at this moment name certain comedies so full of genuine merit and so cleanly that one owes a duty to manager and playwright that is best discharged by personal attendance at

the play. The encouragement of the legitimate is always the rebuke of the illegitimate.

One has only to review the literature of all civilized nations to realize how great a proportion of such literature is dramatic in form and substance. Moreover, the manners, the customs, the tendencies, the virtues, and the vices of the peoples of Greece, Rome, Arabia, Persia, India, Egypt, of the imposing empires of mediæval and modern history, are disclosed to us through the medium of the drama. Act, scene, dialogue, accessories,— these are the mechanical devices from the very beginning by means of which heroic achievements, sublime sacrifices, just and unjust deeds, noble and ignoble sentiments, are vividly brought to our notice in the rhymes and measures of tragic and comic muse, who, by giving full scope to the faculty of imitation,— which Aristotle says is instinctive from infancy,— render it possible for scenic representation to reproduce

> "All the graces of the age
> And all the loves of time,
> All the pleasures of the stage
> And relishes of rhyme;
> And all the softnesses of courts,—
> The looks, the laughter, and the sports:
> And mingle all their sweets and salts,
> That none may say the triumph halts."

The greatest and the loftiest minds — minds that reflect the brightest intellectual glory upon the nations — have seized upon the drama as the instrument for the creation of multitudinous types of life and character,— types whose living, palpitating embodiment by a Talma, a Rachel, a Siddons, or a Garrick, emphasize the oneness of humanity in all ages, and cause every man to see in himself an embryo Hyde and Jekyll. It is idle to say that in all this there is not a combination of elements of the highest educational value. The educational feature of the drama is never more clearly realized — on its ethical side — than in the presentation of plays like "Macbeth," the noble tragedies of "Virginius" and "Coriolanus," and sweet comedies after the pattern of "A Pair of Spectacles,"— comedies so delightfully affirmative of the inviolability of pure human love or the attractiveness of large-hearted trust in one's fellow-creatures. But the pity is that a vicious and depraved public taste — explain it as we may — discourages the revival of rare old plays of moral worth, and reduces the lofty tra-

ditions of the drama to the capering follies of music hall and vaudeville. To make its teaching of ethical value, this mimic world must be as real and earnest as the strife that roars and surges around it; but the mimic world of to-day, in its general aspect, fixes one eye on the box-office receipts and the other upon the young bloods of the town, while the shreds and patches of a motley scenic processional pass before the eye to the sound of music as trivial as song-words and stage-dialogue are inane and coarse. The future of the drama — as Matthew Arnold said of poetry — is "immense," because the wearing struggle for life in every trade and profession drives men to seek some form of recreation the moment the doors of counting-room and study are locked. The promise of the future — whether in the line of the best traditions of the stage or a descent to still lower depths of shamelessness — largely depends, in my judgment, upon the general uplift or further degradation of the public conscience and the personal ethic. It may be unkind, as William Winter suggests in a recent speech before the Actors' Fund Association, to demonstrate that the modern drama is largely devoted to a series of extraordinary plays; "in which the demi-rep, upon the one hand, and a blackguard, upon the other, are engaged in presenting to you social questions, 'problems,' so I think they are called, the sole result of which, so far as I can see, is to give you a hideous disgust of human nature, and cause you to be embarrassed with awkward questions at the breakfast table." But, "in the long run," continues Mr. Winter, "it is the kind and right thing to do because it is incidentally protecting the stage from bad influences, and maintaining that art may proceed to the highest summits, and within the limitations of good taste and good breeding." And to this sentiment every believer in the legitimate drama as the source of enlightenment, instruction, diversion, warning, and inspiration, will cordially respond.

4. A TRIO OF SUB-ALPINE SCHOLARS:

ALESSANDRO MANZONI, ANTONIO ROSMINI, AND ANTONIO STOPPANI.

BY W. D. McCRACKAN, NEW YORK.

[Read Tuesday, August 31.]

If you look into the window of an Italian bookstore, there are two works which you will almost surely see there, exposed for sale. One is the famous historical romance, "I Promessi Sposi," of Alessandro Manzoni; and the other is a description of Italy, entitled "Il Bel Paese," by Antonio Stoppani. More rarely, perhaps, you may find one of the many volumes on philosophy, written by Antonio Rosmini-Serbati, who must be reckoned in many respects the most important figure in modern Italian philosophy.

These three men played their part during life in the unification of Italy. Now that they are dead, their work goes on; and, because it is in the highest sense educational, I have ventured to put their achievements into a paper for the educational department of the American Social Science Association. All three gave new impulses to young Italy, reflected its peculiar sentiments, its color, its glories, and thus made their way into the hearts of their countrymen, to find lodgment there for all time.

Curiously enough, all three were reared on the southern slopes of the Alps. They were in truth sub-Alpine men. Manzoni was born in Milan, but spent his boyhood amid the foothills of the Alps, at Lecco, on the Lake of Como, where also, he placed the scene of his romance; Rosmini was born at Rovereto, in the Austrian Tirol, and founded his college at Stresa on Lago Maggiore; while Stoppani, again, lived at Lecco, the geology of whose surroundings he made the starting-point for world-wide researches. Furthermore, this trio, comprising a man of letters, a theologian, and a naturalist, were united by strong bonds: they were ardent patriots, and fiercely fought Austrian rule; and they were fervent Roman Catholics, and looked for the pope to place himself at the head of unified Italy. And yet, though they belong together

spiritually, and by reason of the principles they advocated, they were not exact contemporaries. Manzoni was born in 1785, and died in 1873; Rosmini lived from 1797 to 1855; and Stoppani from 1824 to 1891.

Manzoni and Rosmini were bosom friends. They showed each other their manuscripts. Manzoni used to say, "Rosmini is a philosopher of my way of thinking"; and Rosmini, "Manzoni is a poet after my own heart." But I have not been able, in the material at my disposal, to ascertain that Stoppani ever knew Rosmini personally or actually met Manzoni.

The Italian lake region, then, is the proper district in which to study this sub-Alpine trio. When one has seen the notable beauty spots of Lake Como,— such as Bellaggio and the Tremezzina,— the Bay of Lecco is not very impressive, nor the town very pleasing. By contrast with famous show-places, it looks sordid and industrial. The water-front is disorderly without being particularly picturesque, and dirty without the color which redeems so much in Italy. At the same time the toothed mountain at the back (the Resegnone) is really fine; and there is a pretty little village on the opposite shore, called Malgrate. It seems strange, perhaps, that a literary figure like that of Manzoni should have become the presiding genius of so prosaic and commercial a town. He it is who has made Lecco a familiar name throughout Italy, and placed it on the lips of many people who have never heard of the silk and iron industries of the place. In the evening, when the population, Latin-fashion, pours out into the main street, and talks at the top of its several voices, the lamps on the four corners of Manzoni's statue in the square are lighted, and make of the whole a literary shrine for the strollers to admire.

Manzoni is usually depicted as an old gentleman with white whiskers and high forehead; and thus the statue at Lecco represents him. In truth, Italians study his "I Promessi Sposi" almost as diligently as they do their Dante and "Divina Commedia." The famous book occupies almost the same position in Italian literature that "Don Quixote" holds in Spanish. The first edition is dated 1821; but since then there have been no less than one hundred and eighteen editions in Italian, nineteen in French, seventeen in German, and ten in English.

It must be acknowledged that Manzoni's opportunity for fame was unusual. In other countries the romantic renaissance of the early nineteenth century brought many men of genius to the front;

but in Italy Manzoni seems to have had the field very much to himself. Hence his position may be termed unique, which is not saying that he does not deserve the admiration so generously showered upon him. For the sake of those who have never read "I Promessi Sposi," or have forgotten the story, I may be permitted merely to say that the book tells the tale of two young people, Renzo and Lucia, who in the year 1628 and thereafter pass through many tribulations before they can be married and remain happy ever after. Lucia is abducted. Renzo, on his part, goes through thrilling adventures ; but the faithful lovers are finally brought together again in Milan, at the time of the plague, through the instrumentality of a good priest, Christopher.

Manzoni used his historic material cleverly in this simple story, so as to make it appeal at once to the individual and to the nation. In a letter to his friend Fauriel (the French scholar) in 1821, Manzoni thus gave his idea of historical novels as a form of literature: "I may tell you that I conceive of them as a representation of a given state of society by means of facts and characters so nearly resembling reality that one could believe it a true story which one had just discovered."

The Manzoni family were originally rough and violent feudal lords from Sarzio in the Valsassina, near Lecco. The writer's father moved down to a villa called Del Caleotto, on which a marble tablet now records the fact that Manzoni was also the author of the "Inni" and of "Adelchi." The first is a collection of sacred lyrics, among which that one inspired by the death of Napoleon, "Il Cinque Maggio," is said to be the most popular lyric in the language. The "Adelchi" is a tragedy dealing with the conquest of Lombardy by Charlemagne, but containing many veiled allusions to the hated Austrian rule. Even the little house where Manzoni was put to nurse is furnished with an inscription, stating that the future poet there took his first nourishment in 1785.

At school Manzoni was reckoned among the dunces until at the age of fifteen, he broke forth into poetry with some sonnets of great promise. On the death of his father he went to live in Auteuil with his mother. There he imbibed the fashionable Voltairianism of the day. Report has it that his wife, the daughter of a Genevese banker, weaned him back to Catholicism. At all events, when he first met Rosmini at Milan in 1826, he was a devoted adherent of the Church of Rome. He lived to the

advanced age of eighty-eight. His funeral, in 1873, was the most sumptuous Italy has witnessed in recent times, and has become memorable in the annals of art because Verdi wrote a requiem for it, which has since become famous as one of the greatest examples of that particular musical form. It was given in New York last winter.

Rosmini, like Manzoni, was of patrician birth. When he had occasion to express his opinions in regard to politics, they assumed rather an aristocratic than a democratic tinge. For example, in a memorial which he addressed to Pope Pius IX. he wrote that he considered the sovereignty of the people absurd, unjust, nay, immoral. He thoroughly abhorred the ideas promulgated by the French Revolution.

There seems to be no question that the founder of the Institute of Charity (better known as the order of Rosminians) was very precocious as a child. At five years of age he is said to have had a fair knowledge of the Bible. His favorite game was to pretend being a hermit, in order to meditate upon the lives of the saints. Even his nurse seems to have expected him to astonish the world; for she carefully treasured up his baby-clothes, and would surrender them to no one until after Rosmini's death. Curiously enough, the boy, when sent to school, like Manzoni, showed a surprising degree of stupidity in his lessons; while all the time at home, in his uncle's library, he read for amusement and inwardly digested the works of Thomas Aquinas and Augustine, thus forming the basis of his future philosophy.

The youth early declared his desire of becoming a priest, to the great sorrow of his family. He was sent to the University of Padua,— like Saint Francis de Sales, more than two centuries before,— in order that contact with the world might cure him of his longing for an ecclesiastical career, and with much the same result. A year had not gone by before young Rosmini had received the tonsure. From Padua he retired to Rovereto in the Trentino, there to continue his reading of the philosophers in retirement. The classic writers, the Church Fathers, the mediæval schoolmen, the modern rationalists and positivists,— all were passed in review,— some six hundred and twenty authors in all.

Special interest always attaches to the genesis of a great achievement. Rosmini's founding of the Institute of Charity was due in no small part to the influence of a woman. A certain philanthropic old marchioness, Maddalena di Canossa, denominated

by the Roman Church *venerabilis serva Dei*, wrote Rosmini to ask his help in some projects of charity which she was contemplating. Rosmini outlined a plan for a new order, whose ideals should be works of charity,— corporal, intellectual, or spiritual, as special cases might require. In 1831, after many delays and disappointments, three houses were secured for the new order in Italy. To-day there are branches in England, Ireland, France, and the United States. In London the brethren are attached to the ancient church of St. Etheldreda, Ely Place, Holborn, where the English translations of Rosmini's works are edited and published. A complete catalogue of these works contains ninety-nine numbers. His *Sistema Filosophico* alone takes up more than forty volumes, being "a veritable encyclopædia of the human knowable, synthetically conjoined."

If it is ever fair or profitable to condense any man's philosophy, that of Rosmini may be, and has been, described in the following terms: "The idea of Being enters into all our acquired cognitions. It is objective, true, and, when applied to the human being, produces intellectual perceptions of the external world. This idea of Being must be innate in us, implanted by God in our nature." Rosmini made himself a champion of Revelation against rationalism. He became known in Italy as the "regenerator of Christian philosophy"; and yet the principal opposition which he encountered came from within the Church itself. The order of the Jesuits seems from the very first to have bitterly opposed his work, fearing for its intellectual prestige in the Church, and perhaps for the fat purses which went with the professorships. Its members tried to undermine his influence at the papal court. They wrote under various pseudonyms, vilifying his doctrine, and calling him everything which is most distasteful to a Roman Catholic, —Jansenist, Calvinist, Lutheran, etc. They succeeded in having the constitution of his order subjected to an examination; but this turned out favorably for Rosmini, and called forth an apostolic letter from Gregory XVI. in his praise. Later the Jesuits denounced as heretical three hundred and twenty-seven philosophical propositions contained in his works; but on this occasion, again, when Pius IX. submitted the points at issue to a special congregation of cardinals for inspection, the charges were once more dismissed. Even after Rosmini's death, in 1855, these persecutions did not end. At last they bore fruit in 1888; for, while Leo XIII. was celebrating his jubilee with an exhibition at

the Vatican, he was persuaded to denounce forty propositions of Rosmini. The Rosminians submitted at once, but the breach in the Roman Church is by no means healed; and it illustrates in an unusual manner the conflict ever going on between certain tendencies in the Church of Rome.

There are monuments to Rosmini at Rovereto and Stresa, and this year (being his centenary) a new one was unveiled in Milan itself. He is not going to be forgotten. A good deal could be said about his influence in the unification of Italy. He was sent to Pius IX. by King Carlo Alberto, to secure papal co-operation toward that end. His negotiations were well under way toward success, when all his efforts were nullified by the revolution of 1848 in Rome, which drove the pope to Gaëta. The Austrian court and the Jesuits gained the ear of Pius IX., and Rosmini never after took an active part in politics. He used to say that, under ordinary circumstances, the priests ought not to participate in political agitation, but attend strictly to their priestly functions. He desired, however, that they should be sufficiently well versed in political science to give advice, and to serve the State in emergencies.

I can only add to this meagre sketch of one of Italy's great educators that our American Professor Davidson has made himself an expositor of Rosminianism for the English-speaking peoples (Thomas Davidson, of New York, but formerly resident in Italy). At the same time I am obliged to add that I have not had an opportunity in the short time which I could devote to this paper to consult Professor Davidson's work.

When we come to Stoppani, the third person in this sub-Alpine trio, we find ourselves considering a scholar and teacher who only recently (in 1891) passed away. His appearance is remembered by many. It was much like that of Renan. He was born in Lecco, and ordained to the priesthood in 1848. He and Rosmini were the ecclesiastics in the trio; but he does not seem to have known Rosmini personally. His intense admiration — his love — for Rosmini are due to a certain Alessandro Pestalozza, Stoppani's teacher of philosophy in the theological seminary of Milan. This Pestalozza, who must not be confounded with the great Swiss teacher Pestalozzi, was a devoted adherent of Rosmini. But Stoppani was first and foremost a geologist. It was not until his later years that he began to write in a religious vein.

He was a geologist by instinct from boyhood, a natural collector of stones and shells, an observer from whom nothing escaped. He was passionately fond of his Lecco. Even after extensive travels, he always returned to it with renewed admiration. On the lake, up the narrowing valleys, on the mountain tops, he was ever the ardent naturalist; and with that, too, the poet and patriot. He early arrived at scientific conclusions, the importance of which he did not suspect until a *savant* was sent down from Vienna to prepare a treatise on the geology of Lombardy, and found that Stoppani had already done the work in the rough. Stoppani's researches were published soon after, under the title of "Studii geologici e paleontologici sulla Lombardia." With this he at once stepped into the front rank of the world's naturalists.

Not until he had carefully studied his native district, idealized it and philosophized about it, did he turn further afield, over the beautiful peninsula of his greater country, Italy itself. In 1875 appeared his 'Il Bel Paese,' the most popular of his books,— a work which revealed to many Italians the many-sided beauties of their own soil,— from the ice, snow, and waterfalls of the Alps to the ineffable blue of the Italian sky and sea. As an example of a monograph on a scientific subject, treated in a popular style, Stoppani's "What is a Volcano?" deserves to be taken as a model. In fact, it was as teacher, as educator in various schools and universities, and as public lecturer that Stoppani left his mark upon the new Italy.

In Pavia, in Florence, as head of the great Ambrosian Library in Milan, he helped to make the Italians conscious of their own possibilities: to live less in the present, to treasure the past, and to prepare for the future. It is one thing to give Italy the appearance of a political unit. It is quite another matter to make it truly united. Stoppani realized this, as did Rosmini and Manzoni. He would have preferred a confederation first, to lead up to a centralized State by degrees. But the fact being accomplished, the next best thing was to raise the *morale* of the whole people by every possible means.

Toward the end of his life the good old naturalist took to religion more than ever. As an ardent Catholic, he wrote much in the desire to reconcile faith and science. His enthusiasm for Rosmini and everything Rosminian subjected him to constant persecution at the hands of the Jesuits. He was obliged to bring suit for

defamation against one of their organs, the *Osservatore Cattolico* of Milan; and he won his case, too. Finally, he and his friends actually founded a paper, *Il Rosmini*, expressly for the purpose of defending the name of the dead Rosmini. This sheet, too, was placed under the ban of Rome.

Stoppani spent his last years in raising funds for monuments to Manzoni and Rosmini. That to Manzoni, in Lecco, was unveiled six months after his death. It is now the turn of young Italy to honor itself with a monument to the great patriot-naturalist; and then these three men, who from the southern foot of the Alps sent their influence over the whole peninsula, whose ideals, whether or no we entirely agree with them, are still a large element of the future,— a strong educational force,— will have been suitably remembered.

II. DEPARTMENT OF HEALTH.

In the hope of securing the paper read by Dr. Stephen Smith at the opening session of the Health Department, the editor delayed publication for some time. But at the last moment Dr. Smith found that his manuscript had been lost, and under the pressure of exacting duties he was unable to dictate even the substance of it. As the title of his contribution gives the key-note to the essays which follow, essays that work out the leading thought in detail, the title is reproduced in this place. It is "*The Importance of a High Grade of Physical Health in the following Classes of Inmates of Public Institutions, with a View to their Cure, Development, or Reformation, and the Best Method of securing such Health.*"

1. PHYSICAL HEALTH OF THE INSANE.

BY P. M. WISE, M.D., PRESIDENT OF THE NEW YORK LUNACY COMMISSION.

[Read Wednesday morning.]

Insanity is a symptom of physical disease: hence insanity and sound physical health are antonymous. This applies without exception to those mental conditions in which a departure from the individual standard is recent, acute, or active. It must be admitted that, when the pathological activity ceases, when the violence of the mental and physical storm abates, when the destructive forces are subdued and the neuron cicatrices are perfected, there can be a restoration of bodily function, which is sound as far as it goes, lacking the brain function that corresponds with cell destruction. The individual may remain "insane," but the insanity is a subtraction of functional tissue rather than a pathological process. Like an amputated limb which leaves its subject unable to walk, the chronic maniac is unable to reason, by virtue of destroyed brain-cells and their association processes; yet in each case there may be physical health in the ordinary acceptation of the term.

In a fair proportion of acute cases, where there has been no destructive tissue change, with the return of bodily health there

is also a return to normal mental activity. Health is a relative term. Its standard depends upon environment and development. I assume that, for the purposes of the present discussion, physical health should be considered that functioning which maintains a proper nutrition and excretion without degradation of bodily tissue in the matured, and maintains the usual tissue progression to adolescence in the undeveloped. It assumes also a freedom from extrinsic toxines.

Perhaps an illustration suggested by Dr. Van Gieson will serve our present purpose better, in which health is considered as an equation of the resisting body elements against its enemies. Thus we now know that one of the functions of the blood serum is to neutralize or destroy the toxic influences which are constantly attacking it, and that, when it loses this power, it is overcome and disease exists. In the same way the cellular elements of the body exert an aggressive action against deleterious toxic or bacterial poisons; and, as long as they hold the balance of power, they triumphantly express their function in a normal manner. If this resistance is weakened, either through inherited or acquired causes, they succumb; and we then have a pathological condition.

We can apply this illustration to the mass of persons who become insane, but there remains a small proportion of cases in which the expression of disordered mind seems to have solely a psychic origin. They are, however, so exceptional that, since this question pertains to social science, they would have a doubtful classification. Hence we may safely assume that, whatever may be the cause of the insanity, there is always accompanying ill-health. If, as sometimes occurs, a moral or mental shock leaves its subject in a condition termed insanity, the same storm that uproots the psychical centres disturbs also the lower nerve centres. There is a disarrangement of the nutritive and excretory functions, and it is the lessening of the bodily resistance which prevents the return of the mental balance. The treatment of these cases is directed to a re-establishment of physical health. Even what is known as moral or mental treatment would be useless, unless combined with a restoration in a large degree of the normal body resistance; in other words, the individual standard of physical health. Thus mind-shock disturbs the body functions, and is a contributing cause to ill-health and insanity.

One of the first therapeutical duties of a medical officer in an institution for the insane is to correct the excretory functions of a

newly admitted case. Almost invariably, they are found to be disordered, particularly that of the alimentary canal. Frequently the insanity is caused by a disturbance of these functions, by an imperfect throwing out of the body poisons; and, with the correction of the fault, auto-intoxication and its results pass away, and the patient is cured.

Faults of nutrition also frequently starve the brain-cells, and create an irregular morbid activity, with subsequent exhaustion. One of the most deadly mental diseases is caused by an excess of blood-supply and consequent irritation to the highest brain centres, the outermost layers of the cortex. In short, there can be no change in the nutritive fluid of the body, without affecting in some degree the nervous elements; and, although their stability may sustain an equilibrium of function, the power of resistance is weakened, and persistence of the morbid condition sooner or later disturbs mentalization, when the subject is termed insane.

The establishment, then, of healthy bodily function must be understood to be a removal of the potent cause of insanity; and a high grade of physical health is not only coincident with recovery, but its maintenance is a reasonably safe assurance of the continuance of mind stability, where structure has not been seriously affected. It is for this reason that the modern conception of an institution for the insane is that it should be a hospital as well for the body as for the mind, and the former detention places for the insane have been replaced by hospitals.

The hospital idea has changed institutions for the insane in a marked degree; and the tendency has been to improve the bodily health, to cure a greater proportion of recoverable cases, to ameliorate the condition of those who do not recover, and to lengthen the duration of the insane life. This has been accomplished mainly by replacing uninstructed attendants with trained nurses, by regulating diet, exercise, bathing and attire to suit the individual case, and by making the environment pleasing. In the construction of hospitals every hygienic requirement has been closely observed; and fresh air at all times, pure water, safe sewerage, and equable temperature receive the same careful attention in an institution for the insane that they receive in a general hospital.

The social aspect of the care of the insane who are dependent upon public care and benevolence, who now perhaps exceed in numbers all other classes of dependent defectives combined, has

been discussed at great length for many years. The burden of caring for these cases as if they were sick has more recently been recognized as the better policy; for the cure of any case, or its improvement (without complete cure) to a degree that will relieve the public of its care, is a distinct gain, aside from the humane and prevailing desire to relieve the afflicted.

What has the modern institution gained over the former methods in detention houses? It has (1) organized complete medical staffs, made up of experienced men who have devoted their lives to this work, and whose opinions upon insanity constitute our present authority. (2) It has obtained hygienic conditions in location, construction, and equipment in the fullest degree. (3) It has regulated dietaries and attire to suit the needs of the individual. (4) There are now provided nurses trained in the particular care of mental cases, who recognize insanity as a symptom of disease, instead of a demoniacal possession, to be exorcised by discipline. (5) It has provided objective diversion, in order to make use of psychic influence toward relief. (6) It has brought to bear upon all cases the modern light of science, and has given to all the benefit of the latest therapeutical measures. (7) Finally, the care of the insane is now recognized as a sacred public trust, and humanity has displaced the safety of the community as a motive. Either the insane, who constitute the most helpless and wretched of suffering humanity, must have proper care and receive the benefit of all available relief measures, or the hopeless must pass to lethal euthanasia. No middle course will be tolerated in this progressive epoch, and the demagogue's appeal to the burdened tax-payer will not be heeded.

The State of New York has given an example of providing institutions for all its dependent insane, and maintaining them scientifically and rationally under a system that should insure uniformly good results. Its fundamental principle is the cure and amelioration of the insane, and this rests mainly upon establishing a high grade of physical health in its patients. The best methods of securing it are a constant study, but no absolutely necessary element is eliminated on account of cost. Much may be acquired in simple and economical ways. Thus graded and properly applied, occupation of a useful character has been recognized as a means of controlling and regulating muscular action as well as mentalization, and as a body developer. The principles of physical development by exercise, temperature, and circulatory

regulation, are among the most important therapeutical measures. The recognition of the body forces as a material background for the mind, upon which it depends and with which it oscillates up and down the scale, from its individual standard of excellence to degradation, has done much to modify our treatment of mental disorders. With inherited mind instability much can be done to increase resistance, by physical development and maintaining uniformly an excellent standard of bodily health. Or, even in those cases of mental decay where the tissue changes are destructive and irreparable, great improvement is affected by body development. The arrest of destructive changes and the prevention of dementia — in other words, circumscribing the pathological processes by physical development and maintaining the highest standard of bodily health — are among the more important functions of an institution.

A better knowledge of consciousness, its nature and its dependence upon the lower nerve centres, is aiding the treatment of the insane. In connection also with the insane hospitals of New York there is established an institute of research into the nature and causes of insanity. Past experience teaches us that individual effort in this direction has effected but little, and therefore New York has set an example of co-operation which promises good results.

The most encouraging results have accrued from the treatment of the individual, and not by classification. The old medical saw that "there are no two cases alike" is truly adapted to the insane. The teachers of mental medicine now recognize the greater importance of individual symptoms, and emphasize less the necessity of placing every insane person in a fixed classification. Special organs receive the attention of specialists. Our hospitals have ophthalmologists, odontologists, gynecologists, and surgeons on the staff. Bodily irritation of any kind, as a possible cause of the mind trouble, is treated, and frequently, if not usually, with good results.

We are constantly attempting to repair the damage wrought by the over-straining forces of modern civilization. The complex human organism is treated with less regard than a machine; and the insane hospital is the ultimate dumping-ground, when the mainspring is broken. It is true that in these great repair shops we have not yet been able to reach the finer mechanism directly, in a material way; but, indirectly, we endeavor to reach the highest grade of physical health.

2. "THE EPILEPTIC."

BY W. P. SPRATLING, M.D., SUPERINTENDENT OF THE CRAIG COLONY, SONYEA, N.Y.

[Read Wednesday morning.]

I am honored by the invitation of the Chairman of the Department of Health of this Association to take part in discussing the importance of a high grade of physical health in the effort to cure, develop, or reform the dependent and delinquent classes cared for in public institutions.

It is a most timely topic,—timely for the reason that the day of simple, indiscriminate custodial care for such classes is rapidly becoming a forgotten practice, and for the added reason that the greater economy lies in curing or reforming such classes as against giving them custodial care to be perpetuated through the entire lifetime of the dependent individual.

Statistics recently came under my observation of a French family of dependents, where the initial fault lay in the mother four generations back, and whose progeny was so numerous and defective through the four succeeding generations that their care imposed upon the French government an outlay of one and a quarter million of dollars.

But the money value of such care cannot be compared to the distress and suffering that followed this family and its immediate connections through four generations. The public charities of this country, and particularly of the great Commonwealth of New York, have grown to fairly astounding proportions; and some of the millions of dollars that are being spent annually do not go into the channel the current of which flows to cure, development, and reform, but leads into the stagnant waters of simple custodial care, pregnant with the inaction of routine practices and fruitless of beneficent results.

In this State and elsewhere there are notable exceptions to this, but they only serve to accentuate the too widely prevalent policies that varying circumstances compel in caring for the dependent

and delinquent classes. Sometimes it is politics; at other times, a lack of money; or, again, it may be laid at the door of a cause just as disastrous as either of the above,— namely, inaction.

My province in this discussion has to do with the epileptic; and whatever may be said hereafter in this paper on the subject of sound health, how to attain it, and its value to the dependent classes, will be in its application to the epileptic. And my remarks will be under two heads: the one theoretical, or what it is possible to do; the other practical, or what has been done.

These will be prefaced by a brief description of the disease from which the epileptic suffers. "A sound mind in a sound body" is an adage so old and so commonly used that we do not stop to consider the wealth of its meaning. Yet the sum total of the entire complex problem we are called on to consider lies wholly within its meaning. If the entire human organism is sound in all its parts; if that soundness extends to and includes the nucleus of every cell and protoplasmic mass and to the outermost ramifications of every nerve fibre,— there can be but one condition of the body as a whole; and that will be one of perfect physiologic health and soundness. But such a condition would be an anomaly, it would be so rare.

Epilepsy was described by Hippocrates thirty centuries ago, and from that day to this its treatment has been as persistent as ambition could make it, and as varied as the resources of the Materia Medica, combined with the art and skill of the physician and surgeon, could devise.

Epilepsy is generally described as being a paroxysmal affection, characterized by convulsive movements and followed by loss of consciousness. The latter may or may not be true, since we know that certain types of seizures do occur without loss of consciousness. The attacks may be foreshadowed by a warning or they may come without warning. The convulsive movements vary in degree from the most delicate twitching of the finer muscles about the mouth to convulsive shocks so universal and violent as to throw the patient forcibly to the ground. They may occur as often as every three minutes or less apart, or they may be separated by intervals of months or even years.

The mental and physical deterioration that epileptics are so prone to suffer from differ widely in degree, and depend originally upon the physical and mental stamina of the individual, and later on the frequency and severity of the seizures.

It is largely a disease of childhood and early life, since 70 per cent. of all cases begin under the age of twenty years; and this is an important fact to remember when we come to study its treatment.

The causes that produce it are legion, but the etiological factor of greatest importance is heredity, 35 and 37 per cent. of all cases in males and females, respectively, being ascribed to that cause.

After heredity comes a long list of causes as numerous as are the varieties of the disease itself, but which may be stated in the concrete to include the specific and non-specific diseases of a general nature and their sequelæ, the various forms of auto-intoxicants, the numerous excesses, shock, fright, and causes removable through surgical procedures.

Referring again to the factors in heredity, the so-called stigmata of degeneration must be mentioned. They include asymmetry of the face and cranium, protruding teeth, malformed ears, and various deformities of the hard palate.

To what extent these influences are responsible for the production of epilepsy, I do not know; but it is my belief that, if they mean anything at all, it must be that they stand as part evidence of the fact that the structural organization of the individual, as compared with the normal standard, is incomplete. And, since it is incomplete, in this respect we have some warrant for assuming that some omission has been made from the integral structure of the central nervous system of the individual at fault.

Out of one hundred and forty-five cases studied at the Craig Colony, including both sexes and all ages from eight to seventy years, and among whom, individually, the disease had existed for from one to forty years, one hundred and thirty-one of them presented evidences of the stigmata of degeneration. And in the treatment of the epileptic, in trying to give him a higher grade of physical health as a preface to curing his disease, we must constantly recognize the presence of congenital deficiencies, and not vainly strive to supply what nature originally omitted. Among those, then, of the public dependents who demand a high grade of physical health as a prerequisite to the cure of their disease, the epileptic stands in the foremost rank.

Not only does it too often happen that congenital deficiencies handicap the possibility of his recovery, but the very nature of his malady is such as to rob him of whatever mental and physical stamina he may possess. And this will seem all the more strange

when we realize that convulsions are far nearer normal than the stormy nature of their presence would lead us to believe.

But we will not wonder so much at this if we go just a step further, and briefly study the mechanism of the fit itself. We assume that all manifestations witnessed during a convulsion appear as a result of a sudden liberation of nerve force somewhere in the brain. It is not often that a seizure occurs without involving, sooner or later, the motor cells of the cortex of the brain; and, as a rule, these cells constitute the seat of the discharging lesion more frequently than any other. We go a little further, and are led to believe that the discharge in the motor cells of the cortex takes place as the result of defective inhibitory action on the part of the sensory cells underlying the cortical layers. Just why these sensory cells partially or wholly lose control periodically over the action of the motor cells above has not been explained; but, like the stigmata of degeneration, the forces of inhibition may have suffered from lack of completion in the original creation.

The epileptic, therefore, is not only often congenitally weak, but is peculiarly liable to acquire a very generally marked condition of feeble health. All this being true, the need of the highest possible degree of physical health that can be attained through proper and continuous exercise and means of development is all the more forcibly demanded; and, in seeking to bring this about, we should not for a moment forget the one fact important above all others in developmental training in the restoration of health. And that is that the very exercise that strengthens and develops the muscles of the arms and legs, or, indeed, any other part of the body, will just as surely strengthen and develop the areas or centres in the brain that control these outlying parts.

Theoretically and without any violence to the teachings of physiology, we should be able, under proper given conditions, to take a young and healthy body, and train it up to the highest possible standard of physical health.

We need only to remember that with the young nervous system anything is possible, and that, roughly speaking, the plasticity of the nerve-cells declines in proportion to their age. It is this fact that makes early education so important.

The system of developmental training, the training that carries with it co-equally all parts and functions of the body, and that brings with it perfect physical health, is so elaborate in its construction that it can be only touched on in this paper. Its first

principle lies in the recognition of co-equal development. The rest is a matter of method and detail. Co-equal development means that all of the functions and special sense faculties of the body shall share, in proportionate degree, in the processes of education and development. Muscular development should go hand in hand, and keep equal pace with the growth and expansion of the brain; and the brain should not be forced to work under forced draught while the muscular system is permitted to atrophy through habitual inaction. Inaction means atrophy, and atrophy is closely allied to disease.

Many vocations call for the habitual use of a given set of muscles or for brain-work along sharply circumscribed lines; and the individual called on to do such work will in time be over-developed, as far as health is concerned, in one direction and suffer from lack of development in another. The tendencies of the times are toward specialisms; and the laws of progress demand not only the survival of the fittest, but the fullest development of specialized faculties. But it is not healthy, and the wreckage of health that follows the practice is becoming greater all the while.

When we come to the employment of means for the promotion of health for the epileptic, we do not need to use any system different from that we would use to strengthen and develop a normal individual. But with the epileptic we must begin earlier in point of age, work harder, and in the end be satisfied to have accomplished less.

And by no means should we fall into the disastrous error of taking a fatalistic view of the case; for, in spite of all his deficiencies, his abnormally low standard of physical health, his ingrained inertia, his too frequently perverted moral sense, I know of no class of sick or defective dependents for whom more can be done than for the epileptic.

Under proper measures, almost miraculous changes can be made in his condition, and that, too, through influences devoted solely to building him up physically. As to the best methods of doing this I can only briefly indicate in this paper, but I hope brevity will not contract the expansive horizon of the lesson it teaches.

Recognizing to the fullest extent the great value of a high grade of physical health for the development and cure of the epileptic, I declare to this Association that it is my belief that the solution of the problem will be found to be largely solved when we come to recognize to the fullest extent the great value of industrial education for this class.

Hidden in the mazes of its great diversity of forms, all of which contain the possibilities of physiological and moral regeneration, lie, almost wholly to this time unrevealed, potential influences destined to work untold good, under proper seeking and cultivation by the dependent and delinquent classes.

The principle of labor was given prominence above all others, when the now famous colony for epileptics at Bielefeld, Germany, was founded thirty years ago; and it has been kept foremost on the list of remedial agents to this day. We recognize its value at the Craig Colony for epileptics, because we have fully tested it and in no instance found it wanting. As yet our system of industrial education is incomplete; indeed, far from perfect; but it is growing, and it is our aim to extend it for both sexes, as far as it is possible to go.

We have found that labor, properly and systematically performed, is a moral and regenerative agent of untold value. And why? Simply because it brings about a physiological and healthy growth of the entire organism.

We believe in labor, the kind that quickens the pulse and brightens the eye, that sends currents of pure blood sweeping throughout the entire vascular system; the kind that brings normal fatigue and induces sweet sleep; the labor that has a place in the world of economics, and the kind that eventually conquers all things, even the perverted tendencies of a degenerate ancestry. The value of systematic labor for the epileptic is but little appreciated. It has curative powers not lacking for proof.

I would not be understood as saying that work will cure all cases of epilepsy, for nothing could be more absurd than such a statement. But I make the assertion, and can demonstrate it to the entire satisfaction of the most sceptical, that the healthy physiological activity necessary in systematic labor acts as a normal avenue of escape for the accumulated energy that would otherwise expend itself in a convulsion.

I could cite a score of cases in support of this assertion,— cases in which the connection between fits and no work and no fits and work is so patent as to leave possible but one deduction.

V. S., male, age 26, was admitted to the Colony Feb. 5, 1896. He had been an epileptic for eighteen years. Twice previously he had been discharged from State hospitals as incurable, hopeless. For five years prior to his admission to the Colony he averaged from three to five seizures a day. During his first

month at the Colony he had 110 seizures; during the second, 98 seizures; during the third, 3 seizures; during the fourth, 0 seizures; during the fifth, 1 seizure, and that was brought on through excitement caused by his going away from the Colony over night; and for fifteen months now he has not had a seizure. He has learned the printer's trade at the Colony, and is now doing most of the printing required by the Colony. When admitted, he was emaciated and weak, and had to be supported to his meals by two persons.

We got him out of doors for a little exercise daily, and he had a generous diet of proper food. When potato-planting commenced, and just as soon as he could get about, he was put in the field with a bag of potatoes over his shoulder, and required to work an increasing length of time each day. He had medicines, of course; but they had no more effect on him than they had during the previous years of his disease.

There was only one reason why he improved under the new form of treatment. He was made to acquire, through labor, better physical health; and, when that came, the vulnerable points for attack on the part of his epilepsy were destroyed and the attacks ceased.

While this single case is reported, I might report fully a score where the value of labor has been none the less marked.

For the cure, development, and reform of the dependent and delinquent classes, I believe we must first elevate the standard of physical health of these classes; and this, I believe, can best be done through the medium of the wide diversity of industrial training that seems so full of promise, both from the standpoint of economy and from that yet more valuable, the physical and moral regeneration of an ever-increasing class.

3. THE HOME CARE OF EPILEPTIC CHILDREN.

BY EVERETT FLOOD, M.D., SUPERINTENDENT OF THE HOSPITAL COTTAGES FOR CHILDREN, BALDWINVILLE, MASS.

[Read Wednesday morning.]

I have departed a little from the plan of discussing influences within institution walls alone. The statistics offered are not exact, as the data now collecting are as yet immature; but inquiry and observation have so far substantiated the deductions reached.

For treatment little more is done than to offer advice upon certain points, some portions well founded upon experience, and some of a more theoretical nature. The first question arising is the one as to what sort of spasmodic action shall be classed as epileptic.

Sufficient authorities agree that "convulsions in infancy are intimately connected with the epileptic diathesis" to make it warrantable for me to assume this position, especially as my own experience leads me to fully believe that epilepsy is more likely to occur in after years where the infant or child has been subject to convulsions.

In a very large number of cases the convulsions cease after appearing a limited number of times and during a very short period of the individual's early life. This happens in most cases without being due to medical treatment. It happens in some very poor and ignorant families, where the home care is of the most unintelligent kind; but it happens oftener in families where the child is surrounded with approximately hygienic conditions.

The occurrence of spasms or fits or convulsions in a given child in a family, while it is the cause of immediate commotion, really occasions very little apprehension in the ordinary family as to the future of the child. So many are solitary attacks that the parents always conclude that this one will be so.

About one in twelve children in several towns in Maine and Massachusetts have one or more fits in infancy or childhood from some cause undetermined.

About one in two hundred and fifty in these same towns, or one in five hundred throughout the two States, remain permanently epileptic. The most of these ceasing to have the fits do so without the aid of medical treatment.

In a certain small proportion of cases the attacks recur in old age or in any condition of excessive wear on the nervous system, such as drunkenness or disease.

The children of those who have become confirmed epileptics are often exempt from attacks, but are apt to have other nervous troubles; while their children show a tendency to revert to the condition of the grandparents in an aggravated form. Many such persons, though married, have no offspring; and the tendency to extinction in such families is quite marked.

The care of such a child oftener devolves upon the mother than upon any other member of the family. When the family is not too large, and is intelligent, the condition of this child gets to be understood; and every member assists, either by himself abstaining from certain kinds of food known to be injurious to the invalid, by denying himself pleasures not suitable for the invalid, or by persuading the invalid to abstain. In many instances the child becomes so imbued with the necessity of care that he will refuse injurious food, candy, etc., even if offered to him when away from home. I find, however, that in most instances that child will take attractive articles, to excess even, if he can do so unobserved. This is rather a normal condition of childhood, but one that has to be reckoned on with much care in the home treatment of epileptics.

It is of interest to consider how much the most judicious care, continued as long as it is hopeful, can accomplish for the amelioration of confirmed epilepsy, either at home or in an institution.

There are discouraging features in this investigation; for we find a very large percentage of those who become settled in the epileptic habit continuing in it with varying periods of cessation of the fits, with weeks of hopefulness and periods of discouragement.

On the other hand, when we consider the whole number of epileptics or of those who have convulsions, we find great encouragement, because any one of these unbalanced natures may remain permanently unbalanced, but, as a matter of fact, very few do so.

In one instance where the care was apparently ideal and was kept up from early infancy to manhood, the result has been

far from what was hoped for and often expected. The case was, however, a severe one; and the parents never regret the exertion put forth, believing that the man's condition would to-day be much worse if he had lacked the attentions given. They even feel that criminality has been prevented; and they are especially thankful that they have so taught that the young man accepts his condition of celibacy as a necessity for him.

It is as possible and desirable to educate and discipline an epileptic child to a degree as any other child. Parents may bring up such a child to be tolerably obedient and agreeable, or they may so bring him up that he will be a fiend of selfishness. Of course, we have to allow for original differences in children. The children of some families are always self-seeking and self-conscious, while those of another family are less so. These original inheritances are not much affected by discipline beyond the outward semblance of politeness, which may be put on for occasions.

"Too many hysterical children manifesting epileptic tendencies are petted and spoiled by their parents until they come to have far less than the usual feeble self-control of childhood, and in many instances they become perfect savages."

As to treatment by medicine and other means, I believe that such children are more injured by over-attention or injudicious attention than by lack of proper attention. The parents ought to guard against too great show of solicitude for the child.

Dealing with such a case is a most trying experience, and requires all the fortitude and judgment of wise parents. In a few instances they prove themselves capable of exercising the same good sense in the management of their epileptic child that they do in the ordinary business of life, but the rule is otherwise; and it often happens that, when one parent is fully competent to administer to the best good of the child, the other is not so able to hold before him the correct example, or to work in full harmony and consistency, so that it is exceedingly difficult to lay down a settled line of conduct.

There are a few matters, however, that ought to be attended to with care. Of course, it is understood that all ordinary hygienic means are employed. Regular and frequent bathing, generally a bath every evening with a good rubbing, sleeping in a clean, cool, and quiet room, away from any disturbance from the rest of the family, where there is not a light in the room, and where no talking can be overheard, are the matters to be looked to. Such

children are never ready to go to bed; and the parents, though inclined to indulgence, will do wisely if they begin with a plan, safe and agreeable to follow for many years. When a child learns that eight is his bed hour, and can sleep without disturbance from late arrivals or departures, he will be much better off than with an uncertain bed hour; while the whole family will be happier.

In some households these matters would be difficult to arrange, but I have yet to find one where it has not been fairly easy to reorganize things so that these requisites could be attained.

Certain medicines are to be used, one class under the direction of the mother, and another under the care of the doctor, but there should be used only a little of either kind; and there should be no dosing or applying medicine for every slight ailment. Running for the medicine bottle for every new sensation, whether of a subjective or an objective nature can hardly be too much deprecated.

For the mother I would suggest the administration at suitable times during the child's life of proper doses of magnesium sulphate, given in solution on first rising in the morning; castor oil; doses of calomel, generally not less than four or five grains at a time; turpentine at intervals, in doses of several drams, shaken up with milk; and possibly a few other homely remedies.

No coddling is allowable, though for the child to miss a healthy and interested sympathy is generally a disadvantage; and regular, properly apportioned work, to overcome the preponderating laziness and teach industry and application, is not to be overlooked.

For the doctor, who should be kept informed of the condition and progress of the case, without going to great or constant expense for medical advice, I believe in the administration of potassium bromide in many instances; but the medicine should be decided upon with great care and only by the family doctor. After the decision is once made, the mother can follow out the plan. The administration of suitable antiseptic drugs, such as salol, formaldehyde, and possibly one or two others, is also a matter for the doctor to arrange. The condition of the digestion, the tendency to fermentative changes in the digestive tract, the natural appetite, and many other considerations, must guide the medical adviser in such a case.

The proper oversight to prevent perversion of the sexual tendencies is, of course, of great moment, but requires only such attention as a watchful and intelligent mother can give. Statistics upon this point are being collected in several quarters.

I would by no means recommend a promiscuous handling of the various proximal orifices of a child's body; but in each case there is often something in relation to the mouth or nasal cavity, to the rectum, bladder, or vagina, to the throat or nose, which requires intelligent and watchful care.

Such work can be done better in an institution than at home; but even at home it need not be neglected, as the family doctor can soon so arrange the matter that the mother is fully competent to do all that is required.

The question of applying the advertised remedies is a serious one for the parents to settle. They are naturally willing to hope, and place more or less confidence in the promises of persons who have medicine to sell. None of us can quite despise the confident guarantee of even the most presuming when it is our own child that is involved, or at least not till we have had considerable experience with such persons. Many cases have done well while taking these advertised remedies, for the reason that they are generally from much-tried prescriptions compounded by reliable and observing men, but perverted to a general application to all ills by the successors, who are always mercenary. Better results can be obtained and at less cost if the parents exercise common sense in the management of the case, and let the advertising quack go by, just as they would do in matters of other business.

A suitable diet for one case may be not quite suitable for another; but I have found that sugar and candy, cakes and pies, and rich pastry in general, heavy meats, baked beans, etc., especially are to be avoided. There is a great temptation to indulge the child, whose vigorous exercise would seem to be enough to demand hearty food. The child especially craves the food best enjoyed by his normal associates, and vigorously protests when denied. Only a strictly enforced obedience can hold such a child in check, and procure for him the best outlook possible, and secure the parents' comfort in his society. He can be so taught that he will fully enjoy his restricted diet, and even runs into the undesirable condition of an ostentatious and wholly selfish enjoyment of his acquired peculiarities.

We must ask, in the management of such children, whether they should be allowed to attend church and entertainments, go to public places and into shops, indulge in horseback and bicycle riding, attend the usual school, and mingle with the world as much as the world will allow. Must they be held off by regulations of the

authorities, or should they have such restrictions made by their proper guardians as will keep them somewhat separate from the rest of the world? I should have no hesitation in fixing the limits for such children, just as we must fix limitations for those suffering from other disorders.

This can be done, but it seems to be one of the most difficult matters. It often seems that the patient must have the entire attention of at least one person, in order to satisfactorily handle this single requirement.

We cannot leave out of account, as a means of treatment and education, the refining influence of home society. As a rule this is of great use, but not always, owing to many circumstances. With sufficient intelligence all these circumstances may be so arranged that the child is not the sufferer, and poverty even need not be a reason why judgment and parental affection should not work together for the ultimate good of the child.

The idea of placing a child in an institution as soon as he has had one or two convulsive attacks seems not to be the best method, though of course the principle of early treatment of any case should be carried out as far as possible. If the home could be so educated and improved that proper care can be given there, it would accomplish the end in a better manner.

I believe it to be better for the child and for the parents and for the rest of the family to attend to the upbringing of their own children if ordinarily good conditions prevail. When the nature of the illness is so severe or distressing that suitable attention cannot be offered, or when other children in the family must be more considered, or when parents are unsuited from incapacity or from ill-health or from any other cause, it is then quite soon enough to transfer the child to the less sympathetic institution care.

Much good may be done if the parents learn to inculcate resolution and forgetfulness of self in the child. The parent must first learn the lesson himself, to be sure; and a parent who has well learned the lesson is generally the one who does not have this particular variety of sickness to deal with,— not from this especial excellence in the parent, but, as it seems, from a special perversity which we sometimes discover in nature's workings.

A complete comparison between home care and institution care is not necessary, as the main point to determine is what cases are best cared for at home, and what cases in an institution, the two classes, as a rule, being quite distinct. The home is to save a

few, and is thereby to receive a certain enlightenment. The institution is to save a certain other few when the disease is of more persistent type.

With the highly complex nervous organization which we have, our little insight into its proper management and the wonderful variety of calls upon it under circumstances confusing and trying, the only wonder is that we are not all subject to other fits than those of annoyance and anger. It seems to be the belief that, a fit having once manifested itself, succeeding circumstances which prove a tax upon the nerves are more liable to produce a similar attack. This many parents fail to appreciate, but continue in hopefulness for years, leaning first on one prop and then on another, until a final and severe shock knocks them all from under them.

Finally, we may ask ourselves what offspring we may expect from epileptic persons who have had all these cares and attentions given them, and have recovered from the convulsive seizures, and even the more serious, but associated, query as to whether such children are worth saving at all; and by these unanswered queries we are led to the interesting and unsolved problem of the exact use which such classes of sick and dependent serve in the general discipline of mankind.

DEBATE CONCERNING EPILEPSY.

In commenting on the papers of Dr. Spratling and Dr. Flood, Mr. Sanborn said it was very gratifying to hear of such success as the former had with the striking case of the young man from St. Lawrence County, whom he had heard described by Dr. Hoyt, of the New York State Board of Charities, and by others. He now appears to be recovered, but it is seldom such patients are permanently restored. Dr. Flood also has had marked success with many of his youthful cases of epilepsy. "I have often visited his establishment," said Mr. Sanborn, "and have seen the kindly and sensible means there taken for the training and treatment of Dr. Flood's hundred inmates, two-thirds of whom are epileptic children. It was the first in order of time of any State institution for this class, although not exclusively for epileptics, as the Craig Colony is, which I have also visited, and as the new Massachusetts hospital at Monson (to be opened early in 1898) also is. Much

good will be done at both, but it would not be reasonable to expect many recoveries after epilepsy has become fully established."

The need of seclusion for epileptics with homicidal impulses, after a seizure (by no means so rare as is sometimes supposed), was illustrated by Mr. Sanborn in the case of Richard Barber, a worthy and amiable young English farm-laborer, who was tried for murder at Ithaca, N.Y., in October, 1888, and is now in the Auburn State Prison on a life sentence.

"In the spring of 1888, while I was beginning my annual lectures at Cornell University, the village people were talking of a shocking murder committed the previous winter near Trumansburg, in the next town. Two old English persons, Mr. and Mrs. Mason, good friends of Richard Barber, had been attacked by him in their own house, at night, after a friendly call. The old woman had been killed, her husband badly wounded, and the house, either by accident or design, set on fire, and destroyed. Richard was known to have done the deed, though he denied all knowledge of it; and he narrowly escaped lynching on the night of the crime, when arrested a mile or so from the fire, at which he was gazing in a confused way. He had been committed to the Ithaca jail, which I was in the habit of visiting each year; and I determined to see him, imagining from the account of his deed that there must have been some mental disturbance, since no motive for the crime appeared. I therefore called on him at the jail, and endeavored to engage him in conversation on indifferent matters, and with very indifferent success. He would hardly speak, and answered my questions, if at all, by nods and signs. As I stood by him, watching him closely, there passed over his face that significant, indescribable look which I had learned to associate with epilepsy, having seen in my official inspection of insane asylums, etc., several thousand epileptics, and talked with hundreds of them. As I left the prison, the jailer said to me, 'Do you find Richard insane?' 'No: there are no indications of insanity; but I think he is an epileptic.' That evening Mr. George Davis, of Ithaca, who had been assigned as counsel for culprit, called on me, and said he heard I suspected Richard Barber to be an epileptic. I replied yes; that, if I were his counsel, I would get a stay of proceedings until evidence could be taken at his English birthplace (Billingboro, in Lincolnshire), and I thought it would show that his was a case of epilepsy, and that he had killed his friend in the 'homicidal fury' that sometimes follows a seizure, even in cases of *petit mal*. Mr. Davis, who had become interested in the youth and simplicity of his client, caught at the suggestion, procured delay in the capital trial, and wrote to Lincolnshire for evidence as to the personal and family history of Richard.

"In a month's time there came back from England, from the resident medical man of the little village where Richard was born, the most startling family record of insanity and epilepsy I had

ever seen. Richard himself had been epileptic from infancy, almost, until some nine years old, having several seizures a day, and falling in the street or wherever he might be. After that age the disease mitigated; and when he came to America, at the age of nineteen (he was now twenty-six), no sign of epilepsy was noted during the daytime. Nor could we find at the trial in October (at which I testified as an expert, along with Drs. P. M. Wise, G. A. Blumer, Allison, and other physicians) any witness who could say that he had seen Richard in a 'fit.' Evidence was offered tending to show that he might have had nocturnal seizures. But this had little weight with the jury; and our expert theory that he had been thrown by the heat of the kitchen, where he was sitting with the old couple, into an attack by night, in which unconscious state he had done the homicide, could not be accepted even by the intelligent young judge who held the court. Richard was found guilty of wilful murder, and sentenced (or would have been but for his counsel's exceptions) to execution. Yet no motive had been shown, and the testimony to his gentleness and good conduct in all the relations of his humble life was very striking.

"When the exceptions (very well founded, as experts in such cases knew) were presented to the Court of Appeals, the verdict was promptly set aside, and a new trial ordered. But the county authorities, who had incurred great expense in the first trial, were unwilling to proceed, and gladly accepted from Richard's counsel a plea of guilty in the second degree. He was therefore sentenced to the Auburn Penitentiary; and there, not having seen him for more than eight years, I called to learn what had happened to him, in November, 1896. I found him in good health. He recognized me, and told me very intelligently of his fortune in prison,—a story which the warden confirmed. He had been an exemplary prisoner; had learned the art of wood-carving and wood-working, which he carried on in his cell, as well as in the shop; and had become extremely proficient and skilful, so that he was the best workman at it in the prison. I inquired if he had been known to have epileptic seizures; and the officer told me that several times at night he had disturbed the corridor where he slept by shouting and turbulence in his cell, of which the next morning he was wholly unconscious, except as his cell showed the disorder of his violence. I therefore inferred that his nocturnal seizures still recur, at long intervals; and probably this may always be so. But he has won the confidence and affection of his officers, as he did of his employers and associates before his awful deed; and it was evident that the basis of his character is not depravity, but ingenuity and goodness. The virtues had been thrown off their guard by his insidious disease, and he had unconsciously committed his offence. It might never be safe to allow him liberty; but, on the other hand, he had shown himself in prison a good and useful person, and the State had been spared the mistake of putting him to death for an act to which moral responsibility could not attach."

The narration of this incident by Mr. Sanborn led Mr. Kingsbury to inquire if the once famous case of the negro homicide, Freeman (saved from the gallows by Governor Seward, who defended him), was not similar to that of Barber. Dr. Smith replied that it was not, pointing out the distinction, and then added this singular incident: —

I happened to be present in Auburn as a lad at that trial, and sat among the audience, in a sort of amphitheatre, with the court and bar below, when an extraordinary event occurred. John Van Buren, son of the President, was the attorney-general, and was prosecuting the case against Freeman, whom Governor Seward was defending on a plea of insanity. A chief witness for the defence was Dr. Brigham, of the Utica Asylum, then at the height of his reputation as an expert in lunacy. He had seen and examined Freeman, and testified that he was insane; and Van Buren was seeking to break down his evidence by cross-examination. "How did you decide that he was insane, doctor? Was it by looking at his face?" "That was one thing," said Dr. Brigham. "Did you think him insane by looking at his nose?" "No." "At his mouth?" "Not entirely." "At his eyes?" "The eye is a very expressive feature, indicative of the mind; but I did not judge altogether by that. I took all the features into consideration." "Do you mean to tell this jury that you can decide whether a man is crazy by looking at him?" "I have sometimes done so." "Will you then look through this large audience, and pick out some one as insane, from the looks of his face?" "That would be difficult." "From your testimony it would not be difficult for you; and I insist that you shall make the test." "Very well," said Dr. Brigham, quite composed, erect, and impressive; and he began to point his hand toward the benches, moving it as he passed from one section to another, and searching all our faces with his keen eye. My own heart beat fast as he came near me with his search, for fear he should pronounce me crazy; but he passed my section by, and had gone past the middle of the benches, when he suddenly stopped, raised his long arm, pointed his long finger at a man in one of the upper seats, and said, very gravely, "That man is insane." Instantly the man sprang from his seat, angry and swearing, and rushed down toward the bench and bar, crying: "You lie! I am not crazy," with other manifestations of mania. The judge rose from the bench, Mr. Van Buren jumped on a chair, Dr. Brigham stood still, fixing his eye on the madman. The sheriffs rushed in, seized the shouting maniac, and the court adjourned in great agitation. The cross-examination of Dr. Brigham broke down, and Mr. Seward won his case. But Van Buren insinuated next day that Governor Seward had placed a madman in the audience for the purpose of having such a scene.

4. FEEBLE-MINDED CHILDREN.

BY J. C. CARSON, M.D., SUPERINTENDENT OF THE "SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN," NEW YORK.

[Read Wednesday morning.]

In entering upon a consideration of the influences of sound physical health upon the right development as regards the feeble-minded, it will not only help to elucidate the question, but will also emphasize the importance of these influences, if we stop at the outset to refer briefly to the classification of the feeble-minded, and to recall exactly what the so-called state of feeble-mindedness is.

In England the mentally deficient are recognized as idiots and imbeciles, no attempt being made to draw an arbitrary line of distinction between the two, it being understood that the imbecile is of a higher order of intelligence than the idiot. In this country all the mentally defective are now more acceptably spoken of as feeble-minded, this term including all grades and shades from the high-grade imbecile to the low-grade idiot, carrying with it less of the repugnance that has become associated with the terms idiot and imbecile. A convenient line of distinction, although a not always strictly correct one, is that of grouping as idiotic those who have no use of language, and as imbecile or feeble-minded those who have. It is of this latter class that we are invited to speak.

Feeble-mindedness is a mental state, and yet one would form a very erroneous conception of this condition to consider it merely from the standpoint of a state of intellect. To arrive at a correct comprehension of the full meaning and scope of the term, one must know something of the etiology of this condition; and it is here that we at once see the intimacy existing between this mental state and certain physical influences. Without going deeply into the causation of feeble-mindedness, we find that it is a condition of mental defect dependent upon some mal-nutrition or disease of the nervous centres taking place either anterior to birth or during the developmental years of childhood, the cause of this mal-nutri-

tion or disease being attributed to such conditions as accident, prolonged transmission of the child in the maternal passages, forceps deliveries, insolation, morbid sexual erethism, traumatic injury to the cranium, meningitis, epileptiform convulsions, maternal health, malignant disease and syphilis, neurotic and phthisical inheritance, marriages of consanguinity, illegitimacy, cretinism, etc.

Further than this, we see the relations of the mental to certain physical conditions, when we consider that a majority of feeble-minded children have some physical defects other than that of the nervous centres. Aside from the underlying pathological condition directly causing the mental weakness, there are associated physical conditions, whose import in diagnosis, prognosis, and treatment is no small one.

The subject of the prevention of feeble-mindedness does not come within the scope of this paper. The pathological conditions of the nervous system directly inducing the mental weakness we believe to be mostly beyond relief, in so far as they are structural and organic. Some of these physical defects may be modified to a limited degree by mental training and exercise, and it is possible to bring about organic and structural changes in the abnormal conditions existing in cretinism. We have thus left to consider, as being directly relevant to the subject, what may be called the associated physical defects of the feeble-minded. There are so many of these physical abnormalities that it will be impossible, in the time at our disposal, to more than hastily enumerate some which have little or no influence upon the mental condition, citing others more at length illustrative of an intimate association with the mental weakness. There are frequent cranial abnormalities, as seen in the microcephalic and hydrocephalic. Many formative and developmental defects occur, as shown in hare-lip, high, cleft, and misshapen palates, deficient ear lobes, epicanthic folds, coloboma iridis, opacity of the ocular media, rough, scaly skin, etc. We frequently note persistent defects of nutrition in the emaciated, wizened features of many of this class. Nystagmus, muscular twitchings, and birth palsies are common. A large percentage are hereditarily phthisical. Shuttleworth states that 75 per cent. of all deaths at the Royal Albert Asylum are attributed to diseases of a scrofulous or tubercular character. Ireland also states that fully two-thirds of these children are of the scrofulous diathesis; and so we frequently find strumous glands and ulcers, tubercular affections of the joints, etc. Adenoid

growths are common, and we must not fail to speak of the signs of inherited syphilis and the characteristic physical defects of the cretins. There is a wondrous connection between the material and immaterial natures of the human being. We know the human mind to be dependent for its right working upon the physical organization of the nervous system, this nervous system in turn receiving its sustenance from the healthful activity of nutritive organs. Is not, then, the importance of sound physical health evident in this class of stunted minds and defective physical organs? And is it also not evident how contributory may be medical, surgical, and hygienic means in bringing about normal functional activity in these correlated organs?

A few cases may be cited illustrative of what medical and surgical treatment will do for the mental condition of this unfortunate class. In one case of a feeble-minded boy, who came under our observation, suffering from a bad favus of the scalp, immediate and very pronounced mental improvement followed upon the treatment and alleviation of the disease. His mental improvement was so great that within six months of his recovery from the parasitic disease he was removed from the institution by his mother, who then felt that her boy was a normal child. While it is difficult to understand the connection between the boy's mental state and his parasitic disease, yet the mental improvement was so marked and so prompt upon the relief of the favus that it could hardly be ascribed to any other cause. Dr. J. Langdon Down, in his work on the "Mental Affections of Childhood and Youth," speaks of the frequency with which the high, V-shaped palate is found among the feeble-minded, regarding it as almost diagnostic of certain types. Dr. F. H. Hooper, of Boston, brings strong arguments to bear in proof that these high palates are caused by adenoid growths in the naso-pharynx. If we accept their statements, must we not conclude that adenoids are a potent factor in the causation of the mental weakness in some cases? Dr. T. H. Halsted, of Syracuse, in an examination of one hundred and fourteen cases of the higher grade children of the Syracuse State Institution, found 20 per cent. to have adenoids sufficiently large to cause mouth-breathing. They are said to occur in ordinary children in about 8 per cent. We know the almost magical results that follow their surgical removal in many otherwise normal children, and similar results have been observed among the feeble-minded. We are inclined to believe the baneful results of these growths to be mostly due to

an interference of the function of respiration, resulting in an imperfect exchange of oxygen and carbonic acid, this in turn, through the blood, affecting the nourishment of the brain. This theory is rendered more probable by the pallor that is so often noticed in the gray matter of the brains of many of these children. Langdon Down, in referring to this condition, says, "Nothing is more striking than the frequency with which extreme pallor of the gray matter is noticed, and I cannot but think that this affords indications for treatment as well as a basis for hopefulness in the possible functional improvement of the cerebrum."

You are all undoubtedly familiar with the characteristic mental and physical defects seen in cases of sporadic cretinism. These cases afford a striking illustration of the dependency of the mental upon the physical condition of this class. The essential lesion in these cases is an absence or atrophy of the thyroid gland. Whereas formerly the mental and physical defects of this class were regarded as permanent and hopeless, now, through the researches of Victor Horsley, Schiff, and others, their successful treatment by the administration of the extract of the thyroid gland of the sheep is of frequent occurrence. The results in these cases are truly wonderful. One, a girl at the Syracuse State Institution, eighteen years of age, was placed upon this treatment two years ago. During the first year she grew over four inches in height. There was a desquamation of the rough, coarse skin over the entire body, this being replaced by one of natural smoothness and texture. Her teeth, which were simply a few scattered remnants of the first dentition, were displaced by a new and complete growth of the second set; and upon the head, which was before thinly covered with hair, coarse and sparse, there is now a luxuriant growth of fine normal texture. Simultaneously with these improvements in the physical condition there was a corresponding degree of mental development. About three years ago a case of this class, an imbecile girl two years old, came under the observation of Dr. H. L. Elsner of Syracuse. Mental and physical changes in her condition of a very favorable character promptly followed upon the institution of the thyroid treatment; and she is now, in the opinion of Dr. Elsner, no longer feeble-minded.

These instances have been cited, illustrative of the dependency of the mental development upon recovery from physical disease or the alleviation of certain disordered physical functions. Of similar instances there undoubtedly are many, typifying how de-

pendent for relief the mental condition may be upon the removal of other existing physical abnormalities.

It now remains for us to speak of certain conditions more general in their nature, and yet which have an essential bearing upon the subject. We refer to the relationship of the general health of these children to their mental condition. Without citing specific instances in proof, we state it as a fact of common observation that a condition of unusual mental torpor frequently follows upon a declension of the general health and unfavorable hygienic and climatic surroundings. Your credulity at this point will be a ready one when you recall the hereditary scrofulous and phthisical taint of so many, and the numerous physical defects, whose bent is toward a sapping of the general vitality. Many of these children show a great mental transformation almost immediately upon their reception from homes of filth and squalor into well-regulated institutions. This change is, we think, undoubtedly resultant upon an improved general physical tone. The circulatory system of many of these children is feeble, they being especially susceptible to changes of temperature, and, in fact, seeming to go through a kind of hibernation, a certain retrogression of the mental faculties showing itself during the winter, to be followed by a marked brightening up in the summer season. Our lesson from such an apparent dependence, limited as it is, of the mental upon the physical condition, is a plain one. Everything possible should be done to induce and perpetuate a state of sound physical health.

Our subject limits us to speak of the medical, surgical, and hygienic treatment of this class; and yet it must be remembered that, while the basis of all treatment should be medical, the services of the teacher and nurse are indispensable. It should be the duty of the physician and nurse to bring about and maintain such a state of physical health as will not only of itself improve the mental condition, but will also render their minds more receptive to the instruction of the teacher, as success in the advancement of these children can only be secured by maintaining them in the highest possible state of health.

The means adopted in the various institutions throughout the civilized world for bringing about this condition are practically the same. Among hygienic measures of the first importance is a proper dietary. This should be a liberal one, containing a good supply of nitrogenous, phosphatic, and oleaginous elements and in a form easy of mastication. Milk, oatmeal porridge, entire wheat

flour, and green vegetables should enter largely into the list. Close attention should be given to the relief of the bladder and bowels, many cases of flights of temper and intractability being directly traceable to a clogged up bowel and being entirely relieved by a mild purge. The hygiene of the skin is of manifest importance. Frequent baths with friction are necessary, not alone for cleanliness, but to stimulate the enfeebled circulation. Warm clothing with frequent changes is important to protect them against climatic influences; and the strictest attention must be given to the ventilation of wards and school-rooms, there being an exhalation from the bodies of these children that is *sui generis*, and will soon vitiate the air of the apartment, unless constant attention is given to the skin, clothing, and ventilation. The physical training of these children is a matter of vast importance, not only as an aid in upholding the general physical tone, but also as a direct mental stimulus. All the voluntary muscles should be daily called into play by appropriate calisthenics and gymnastics, and use should also be made of galvanism and massage. Dancing, outdoor sports, regulated and systematic walking in pleasant weather, and military drill all contribute markedly to the general physical and mental improvement, the last mentioned, the military drill, being an especially valuable means of enlivening the mental faculties, apart from the good effect on the general health. With the attention pointed out and properly given to these more general measures, the physician ever on the alert to combat, with all the subtleties of his art, hereditary taint, existing disease, and physical abnormality, not only will a condition of mental advancement assuredly result in the majority of cases, but a solid foundation will be laid for the teacher to build upon.

It is our belief that there are other, perhaps many, physical conditions bearing a causal relation to the mentality of this class, as yet unknown and yet discoverable. Surely, the results, in the specific instances cited, must be fraught with the greatest encouragement to investigators along other lines among these children, and must fill our hearts with a renewed hopefulness for the still further future betterment of these afflicted ones.

The experience of the past fifty years of those interested in the special training and development of the feeble-minded leads in the direction that efforts should more be given to the training of their hands rather than their intellects. They cannot become scholars or skilled in mechanics and the arts, but their hands may

be trained to perform simple unskilled labor. If we can teach them,—the boys to become useful in the shops or in the garden and on the farm with the rake and the hoe, and the girls in the kitchen and laundry or with the needle, the brush, or the broom, — then has some degree of right development been reached. To secure such development in institutions, the school affords the best means for their moral, physical, industrial, and intellectual training. In the school, under methods properly varied, they are kept interested and occupied; and, by making the physical and industrial parts of the training the most important, they become fitted and prepared for useful employment after the school age is past. Occupation is, then, the great remedial factor; health and usefulness, the objects sought,— the former essential to the latter. And so, in turn, "the working hand makes strong the working brain."

5. "THE RELATIONSHIP BETWEEN THE PHYSICAL AND MENTAL BEING IN CONNECTION WITH THE TRAINING OF IDIOTS."

BY CHARLES BERNSTEIN, M.D., OF THE ROME STATE CUSTODIAL ASYLUM, ROME, N.Y.*

[Read Wednesday morning.]

Being confronted at the outset, as we are, by these unsettled questions: What condition in the individual of the human family constitutes feeble-mindedness, and what idiocy? And do these terms refer alone to the mental state of the individual, or do they convey the idea of an associated mental and physical state of the animal economy? And what are their characteristics?

Now believing that these terms, or at least that idiocy, should convey the idea of an associated abnormal physical and mental state, interdependent the one on the other, and due, as says the elder Seguin, to inter-uterine nutritive disturbances; and that a definition of these conditions can on a scientific basis, at least from a medical standpoint, be more satisfactorily and definitely arrived at from a consideration of the physical and mental rather than the mental or intellectual manifestations alone, I propose the following classification of juvenile mental affections as applying to these classes, namely, idiocy, imbecility, and feeble-mindedness, and define each thus: —

First. Idiocy is a conjoined and interdependent perversion, deficiency, or arrest of development of the physical and mental being dating from birth and due to congenital causes, its characteristic features being the absence of any extra-uterine period of normal development and the presentation of congenital abnormal physical manifestations.

Second. Imbecility is an arrested mental development dating

* Owing to pressing administrative duties, Dr. FitzGerald (superintendent of the Rome Asylum) who was originally selected to read a paper on "The Idiotic," could not comply with the request of Dr. Smith, Chairman of the Department. Dr. Bernstein, his assistant, filled the gap acceptably.

from some period during childhood, with more or less physical imperfection, all due to some specific disease or traumatism, its characteristic features being the presence of a period of extra-uterine normal development and the presentation of non-congenital abnormal physical manifestations. Under this class we will have three divisions, namely: arrested mental development, total or permanent; arrested mental development with primary or progressive dementia; and arrested mental development, partial or temporary.

Third. Feeble-mindedness is a retardation of mental development, especially marked along certain lines, detected with the unfolding of the higher mental faculties or subsequently during childhood, associated with no necessarily concomitant physical imperfections, and due to no specific cause, its characteristic features being the presence of continuous normal physical development and the presentation of no abnormal physical manifestations directly resultant to and concomitant with the mental condition.

Now, as the mental manifestations of epilepsy and dementia vary in degree and even in character, so will those of idiocy, imbecility, and feeble-mindedness.

From a pedagogic standpoint this classification may be unsatisfactory, as the various classes, especially the two former, will always be associated in our institutions, and to the teacher it will convey no idea of their mental capacity or degree of intelligence; but here let the teacher, as in our graded schools, classify for himself and establish grades for training and educational purposes, never forgetting to give even those with the least or what some might think with no mental capacity a grade in such training and educational classifications and a chance to creep to a higher.

As a working basis for what is to follow, I would further define idiocy as that condition in the individual of the human family, with all the physical characteristics of his race, in whom there is a perversion in or deficiency of development of the cerebro-spinal nervous system existing from birth, with its concomitant physical imperfections, all interdependent and resulting from inter-uterine nutritive disturbances, this being based on Seguin's definition of idiocy.

Now, having assumed that idiocy is always due to mal-nutrition, and that there are always associated mental and physical imperfections, and that they are interdependent, what is the relationship between sound physical health and their training, and how are they best treated in our institutions?

Our answer to these questions will be based on the following physiological axioms: —

First. That the mutually interdependent processes of nutrition, growth, and physiological activity of any one part of the animal economy are interdependent with the same processes in all other parts of the animal economy; and that these processes cannot be normal in any one part if they are not normal in all parts; and, if they are abnormal in any one part, they will be more or less abnormal in all parts; and

Second. That the more normal the nutrition, growth, and physiological activity of a part, the greater its capacity for training and development; and the more normal these processes are in all parts, the greater will be the capacity for training and development of the whole, and therefore the greater the capacity of any one part.

Parts, as here used, refers to parts of the body as organs and members, and to functions of the cerebro-spinal nervous system as the various physiological areas and centres; and physiological activity as expressing the special function or use of an organ or part.

And these axioms are based upon such broad physical or physiological ground as, for example, perversion of circulation, as follows: if there is abnormality of these processes of nutrition, growth, and physiological activity in a leg or arm, as a result of this diminished physiological activity there will be a resulting diminished physiological activity of certain portions of the cord and brain, and, as a result, perverted circulation, this resulting in an unequalized or perverted circulation of the whole cord and brain, and, therefore, abnormal nutrition, growth, and physiological activity of the whole cerebro-spinal axis, with its resulting constitutional disturbances, all of which results may, with nature's normal inherent recuperative powers, be tided over while the constitution is rearranging and accustoming itself to conform physiologically to this new type of normality. But, with our idiot, nature has dealt less bountifully; in fact it would seem she had often entirely withheld this *vis medicatrix naturæ*.

Then, with our idiot, with his associated mental and physical imperfections, with their interdependence, and all due to mal-nutrition, as we improve nutrition, growth, and physiological activity in any one part and bring it to approach its perfection, both physiologically and anatomically, so will we more or less directly improve these processes in all parts; and, if we improve these

processes directly in all parts possible, these improvements, together with the indirect improvements in these processes in all other parts, will result in a marked improvement of the whole, or a decided constitutional improvement,—the direct object sought.

And, as we improve an organ by making it approach the normal in nutrition, growth, and physiological activity, we will likewise increase its capacity and inherent tendency to functionate normally.

To this the brain, the organ of the mind, will be no exception, the constitutional improvement increasing its nutrition and growth, and the mental training or work of the teacher increasing its physiological activity, all working in a co-operative manner.

In this way the capacity and inherent disposition of the brain to functionate normally will broaden under the external stimuli until the mental capacity will approach that condition in which it will be able to maintain the body in a state of healthful existence; and in return the body will maintain the brain in a state of healthy nutrition, that physiological state of automatism, or normal mutual interdependence of mind and body, necessary for the maintenance of sound physical health in the animal economy.

This course of treatment and training will result in a being more nearly that of the normal the earlier the child is placed under our care, so that his treatment and training may the longer go hand in hand, as it were, with his period of greatest physiological activity and growth, this being the period in which most physical imperfections appear or become exaggerated, whether they be the result of improper innervation, trophic disturbances, progressive nervous disease, lack of physical exercise and neglect, or, that great cause, the assumption of faulty positions, or rather the persistent assumption of one position; also the period when all perverted physiological functions become established as habits, and the child is rendered for life strong and robust or weak and emaciated, tidy or untidy, cleanly or filthy, destructive or not; and especially the period during which we should prevent the child from becoming the subject of vices, many of which are established as habits very early in life, and become the deeper rooted therefor; or, to sum it all up in one statement, the period during which we should establish in the idiot that great perfecter of physiological development, regularity of daily life.

Now this constitutional treatment, to bring about sound physical health or as nearly that condition as possible, should constitute a

greater portion of the idiot's early training, and can best be accomplished in our institutions by making their daily lives conform as nearly as possible to that of the normal child, especially as regards diet, exercise, diversion, and sleep, all of which must be persistently directed and diligently guided from without, because of a lack of inherent stimulus to incite and will or inhibition to guide, the automatic movements especially being controlled, and this energy directed along normal lines.

And here I wish to lay special stress on two mutually interdependent processes, namely: first, proper physical exercise, realizing how persistently inactive or pervertedly active idiots often are, when allowed to follow their own tendencies, and how thoroughly active are normal children during their waking hours; and, second, proper sleep, which some one has beautifully called "nature's anæsthetic, through virtue of which the animal economy is for a certain portion of each day placed wholly in her hands for the reception of her remedial and restorative agents." These processes when normalized are two most potent factors in the production of sound physical health: the former, physical exercise, tending as it does to bring about normal circulation of blood and lymph, thereby tending to create a normal appetite and prepare the gastro-intestinal tract and digestive organs for the proper reception and digestion of food (here proper feeding and mastication should not be neglected, these contributing toward normal assimilation and excretion, the final result of all being normalized nutrition, growth, and development); and the latter, sleep, tending to render normal the proportion between destruction and construction metamorphosis of tissue, which, during the period of most active growth, with longer hours of sleeping than waking, gives us a balance on the side of construction.

This routine should be based on a study of the daily lives of normal children, paying special heed to their family constitution and disposition, both in the study of the normal children and in the application of the results of such study to the training of the idiot.

In special cases of disease and faulty development, notably in the myxedematous types and deformities resulting from muscular contractures, improper innervation, etc., special treatment will be necessary, of which dietetic, medicinal, and surgical will constitute only a part, electricity, hydropathy, and massage being valuable

adjuvants, not only for their local but also for their constitutional effects.

This mode of procedure will necessitate our ascertaining as completely as possible the family history and the past history of the patient (for such we may truly call the idiot) and directly following admission, making a thorough physical and mental examination and recording the condition of all organs and parts and the bodily and constitutional condition as a whole. This may all be richly supplemented by photographs.

Following this, after they have become accustomed to their new environment, another complete physical and mental examination should be made for purposes of comparison, this change of environment alone, with no special treatment or training, often producing marked physical and mental improvement.

All the physiological processes should be closely watched, and their condition with the physical and mental regularly recorded at stated intervals. These records will be of great value, not alone because of their direct bearing in the case at hand, but also because they will show us how closely physical and mental improvements are allied, and will be valuable data from which to deduce statistics and for consultation and comparison in future work.

And thus, through efforts directed toward the production of sound physical health, our idiot has arrived at that stage in his development where he is ready for manual and intellectual training, especially the former, his moral training having begun much earlier, and which must with his physical training still keep pace with all other training.

Now, as we improve these processes of growth and development in the child, we must broaden his capacity for mental training, not alone because we have increased the physiological activity of the brain and receptive capacity of the mind, but also, by improving his physical and mental state, we have likewise broadened his horizon by rendering him competent to a limited extent to commingle with society, a training and educational factor not without its bearing even upon the life of the idiot.

6. METHOD OF SECURING HEALTH OF INSANE CONVICTS.

BY H. E. ALLISON, MEDICAL SUPERINTENDENT MATTEAWAN STATE HOSPITAL, FISHKILL-ON-HUDSON, N.Y.

[Read Wednesday evening.]

The treatment and care of the insane require an intimate knowledge of the mental and physical condition of the person afflicted. He is suffering from disease, and needs the help of a physician.

The rules which govern most penal institutions are very general, and largely disciplinary in their character. They apply to numbers more than to individuals, and are framed to control sane men. The inmates are sentenced for definite terms, which may be reduced to shorter periods of imprisonment by good conduct, which is a negative quality, and simply implies non-violation of rules applying equally to all. On admission to prison the convict's record is briefly tabulated as to his crime, length of sentence, previous convictions, and a short personal history; and he becomes a part of a mass of humanity, in which his individuality is very largely lost. In institutions where the reformatory system is in vogue, and to which youths are committed for indeterminate periods, much has been done to remedy this evil. There the inmate is expected to earn his discharge by individual effort in positive work. He must achieve something. Still, even in reformatories, general rules are made applicable to classes and to grades rather than to persons. No exceptions are made to favor those mentally weak. Organization, I presume, requires this; and perhaps it fits the majority. Still, it is our belief that the courts and the prisons will ultimately come to consider the individual more carefully than they do at present. The danger from the man will be weighed rather than the danger from the crime. Progress will be made in the direction of more thorough sifting, weeding, and differentiation of the various units which compose the mass of criminals. The treatment of insane

convicts comes within the province of medicine ; and, like the care of all disease, it requires the most painstaking knowledge of each individual case. All varieties of insanity are found among convicts. Their delusions, hallucinations, and conduct are modified and very strongly marked by their criminal habits. For this reason they constitute a less tractable and more dangerous class than the ordinary lunatic. Like all the insane, they are in constant need of medical care and treatment, not necessarily active dosing in every case, but each requires at least some daily observation. The best method of securing to the insane convict good health varies with the nature and cause of the disease ; but he primarily requires hospital treatment, which cannot be adequately given within the limits of the prison.

The origin of insanity among convicts may be classified : first, as arising, outside of prison life, from factors of ill-health which leads to the commission of some insane act, in itself a criminal offence ; second, from causes mainly due to conditions within the prison, attendant upon confinement and constant reflection upon the consequences of crime ; third, from mixed causes dependent upon influences both outside and inside prison walls. The members of the first division, properly speaking, are not criminals, although convicted and sentenced. This class consists of persons who, by some insane act, have broken the law, and have been improperly convicted therefor. They enjoy, as a rule, a good degree of physical health, and possess a large share of mental development. On the average, they are well endowed intellectually. They are not naturally inclined to criminal acts, and may be termed accidental criminals. Their crime is the result of disease. Among them may be included cases of chronic mania, paranoia, toxic insanity from alcoholism and the abuse of drugs, paresis in its early stages, melancholia, some forms of epilepsy, cases of dementia ; in fact, all varieties of insanity. The foreign element of our population enters largely into this class, wherein, from the difficulties of language, insanity is not recognized during trial. In some cases, even among the native-born, the existence of mental disease is not suspected ; and convictions are had, and sentences passed upon insane men whose true state has not been apparent at the time, even to their own counsel. The majority of such convictions, however, are found in cases wherein the plea of insanity has been raised as a defense, and failed. In these instances the derangement of the mind

becomes evident after confinement. Such convicts in New York State are soon transferred from prison to the Matteawan State Hospital. As a rule, they are not encouraging cases for treatment. Paresis is generally recognized in the present state of our knowledge to be a progressive and fatal disease; and paranoia, chronic mania, and epilepsy are usually intractable. Melancholia and some cases of confusional insanity, especially among foreigners, and the toxic insanities, such as alcoholism and cocainism, offer the best chances of cure. Many persons who are utterly unable on admission to give a coherent account of themselves, upon convalescence often disclose their history and identity. Five such were returned to foreign countries last year from the Matteawan State Hospital, and three to their homes and friends in other States. While confinement has no causative relation to the production of insanity in the examples to which we have alluded, yet the surroundings intensify the disease; and the prison offers no proper facilities for treatment. The crimes committed by them are mostly directed against the person. Their acts are often homicidal in their nature, by reason of delusions of persecution; or they may become noisy, maniacal, and threatening. So long as they have the liberty of the prison yard or corridors, they are a menace to the safety of other inmates, or, if excitable, may disturb several tiers of convicts by their clamorous outcries, and injure the discipline of the prison. Their proper place is in a special hospital for the care of insane convicts under the treatment of a physician. The conviction of persons who were insane at the time the act was committed is an injustice to them, and their confinement as felons increases their mental derangement. The removal from prison to a hospital exercises a beneficial effect upon them. They may be dangerous, but they are not criminal. They are dangerous by reason of their insane delusions, which impel them to acts injurious or destructive to property or life; but they are not morally depraved. It is important that every facility should be given to effect recovery. A hospital for the treatment of such cases should be an adjunct, in a collective sense, to all the penal institutions of a State. It may be in proximity, but should not be attached to any prison; and its management should be an independent one on the plan of a hospital, and under a medical superintendent who should be the responsible head. One such hospital could receive all cases of insanity from several penal institutions, and so might care for all insane convicts in the State.

The second class of insane convicts, who become insane through conditions within the prison and through regret and dwelling upon crime, constitute a larger number. In many States the sanitary conditions of penal institutions are not good. The cells are small, and the ventilation poor; and in many cases the stone walls are damp and cool. There is usually an absence of direct sunlight. The cells themselves are narrow, and crowd large numbers of men into close quarters. The buckets are not in all cases kept scrupulously clean. From these and other causes there very frequently arise poor hygienic conditions, and an odor like that of the poorer tenement districts attaches itself to the cells and galleries of the prison. Into such surroundings the seeds of consumption are carried by numbers of infected convicts who are ill with the disease at the time of conviction. The seed, once planted, finds congenial soil, and multiplies. The statistics of penal institutions and the testimony of prison officers show that tuberculosis is responsible for from sixty to seventy per cent. of all deaths in prisons throughout the United States. Insanity arises from this cause. Convicts fall into states of depression and melancholia, with delusions of persecution, of suspicion and fear. It is a general experience that the transfer of such persons from prison surroundings to a hospital has often arrested the disease, and restored the individual to good health. Patients gain largely in weight, even as much as fifty pounds, and by outdoor work upon the grounds or farm are often apparently restored, both physically and mentally. Such cases, if returned to a penal institution, may again break down; and insanity and ruined health have resulted from such transfer. Convicts have relapsed, become insane, and died in consequence of a second attack. A high grade of physical health is therefore necessary for the cure of the tubercular insane convict; and this is best secured by treatment in a hospital for the insane, with hygienic surroundings, sunlight, fresh air, a liberal dietary, and, if possible, light employment upon the grounds, or in the garden, fields, or farm. For workingmen there should be good facilities for frequent baths and opportunity for a change of underclothing, when moist with perspiration from active labor, instead of entering a damp and often chilly stone cell,—privileges which cannot always be obtained in prison. The subject of caring for the insane convict is incidentally but closely related to that of stamping out tuberculosis from our penal institutions. The State has a right to protect itself by the confinement

of criminals, but has no right to place them under conditions which jeopardize their health.

The shock attendant upon commitment to prison often drives men insane, particularly those of a sensitive disposition, and who are not so depraved as to have lost their self-respect. Here, again, individual traits are conspicuous. Conviction and imprisonment as punishment have not the same force upon all men. The habitual criminal simply regards it as a mild hardship, but does not feel the heaviness of spirit which arises from sorrow and disgrace. The person who commits a crime through quick passion, or whose fall from rectitude is from sudden temptation, feels his position most keenly. When the full force of his condition bursts upon him at the time of his admission, reason occasionally gives way.

Long confinement in prison also gradually affects the mind, and is a fruitful cause of insanity. It is necessary, in order to preserve the health, that the mind should be occupied by some form of diversion or employment. One of the most frequent requests made by convicts is for work. Daily labor is essential to prison discipline and to health. Convicts are not allowed to speak to one another, nor in some prisons to receive news from the outside world; and the mind must in some way be occupied. The solitariness of prison life without work is productive of insanity. Fortunately, under former laws in the State of New York, and under the new constitutional amendment which directs that the inmates of the prisons shall provide supplies for all departments and political divisions of the State, the population of the prisons of this State has been kept very generally employed. The evils of confinement, especially of confinement in idleness, are intensified when, by reason of insubordination, punishment is resorted to by seclusion, on a small allowance of bread and water, in the dark cell. We have heard so many insane convicts, upon recovery from an attack of insanity, express such great horror of this method that we are sure it is a powerful factor in breaking not only the will and spirit of the man, but his mind and health as well. The solitude, the darkness, the meagre and insufficient diet, a bare board or a floor for a bed, cannot be productive of anything but direful results.

The hopelessness attendant upon long terms of imprisonment, together with continued confinement, produces insanity among life convicts. They very frequently become insane. We must

bear in mind that many of them were insane at the time the homicidal act was committed. Insanity may have been interposed as a defense, and failed; but, aside from its origin previous to conviction, insanity may also arise from long imprisonment. There are constantly at the Matteawan State Hospital numerous cases of insanity among life men. Twenty-three per cent. of the life men in the prisons of the State are inmates of this hospital to-day. Most of them are hopelessly insane. Numbers of others who were formerly inmates of this hospital are now in prison, having passed through one or more attacks from which they have recovered. In such attacks several have attempted suicide. As a rule, they are not habitual criminals. They are intellectually superior to the ordinary criminal, and are free from petty vices and meannesses. A recent traveller among the convict exiles of Siberia states that "murderers are said to be preferred for domestic service, as being morally far more reliable than other classes of criminals." I think this is a truth of general application. It is possible that remorse has largely to do with the prevalence of insanity among them.

There is a third class of inmates, in penal institutions, in whom the mental derangement is due to causes both within and without the prison. It is made up of degenerate cases who become insane, — the habitual criminals, men and women broken down by heredity and by environment. Many of them are imbeciles of a low grade of mental development. Dissipation, intemperance, sexual excesses and vice, specific disease, and various other causes have undermined the health of others before entrance to prison. The habitual criminals have usually served many previous terms of sentence. They constitute a very unstable class, particularly such of them as become insane. The degenerate individual is especially prone to attacks of insanity from the conditions within the prison which we have mentioned, and from which he often recovers; but even in his normal state it is sometimes questionable whether he has sufficient mental equilibrium to be considered sane. His insanity may be regarded simply an exacerbation of his natural condition rather than an attack of disease. Cases of alcoholism, of toxic insanities from drugs, the various mental disturbances from vice and disease, are, to an extent, curable; but the permanency of the relief depends upon subsequent conditions of health and good habits in the individual.

Insanity is very common among convicts. In the three great

prisons of the State of New York, caring for about 4,700 inmates, nearly one in every 87 becomes insane annually. They are all committed to the Matteawan State Hospital. There some recover, and are returned to the prisons to serve out their terms. Others remain at the hospital beyond the limit of their sentence, until recovery or death takes place, or until their condition becomes so far improved as to enable them to be cared for by friends who may apply for their discharge, and who are able to provide for them at home.

How to care for the insane convict, in order that he may properly receive the treatment suited to his needs and best calculated to restore him to health, is still a vexatious question in many States of the Union. Treatment may be afforded either in the prison itself, in the wards of the general hospital for the insane, or in a special institution. The first method is not practicable, although it has been tried. The prison cell is not the proper place for an insane man. He is often noisy; and, as prisons are usually constructed, his outcries will annoy a large number of other men who naturally object to such disturbance, and become angered by it. Some of the more vicious will answer him back in subversion of all rules of order. One such insane convict will originate pandemonium, unless he is locked up in solitary confinement in the dark cell or in the dungeon. Other insane convicts, in addition to being noisy, are filthy in their habits, and may soil themselves and their cells. It is not easy to bathe and cleanse such patients, nor can the cell itself be kept in proper condition. The odor will permeate the whole cell house, making its occupation as a living room intolerable. The state of the patient becomes most wretched in a very short time, and the atmosphere of the whole prison contaminated. The cell is not at all adapted to the purpose of caring for the insane. Numerous convicts with suicidal intent have thrown themselves over the gallery rail from the various tiers, and have injured themselves seriously or fatally. Others have torn down the plumbing and deluged the prison, or burned themselves on the steam pipes. The narrow quarters offer no facilities for treatment or care; and convicts have been kept in an almost nude state in cells, their food thrown by them about the room, and the bedding, walls, and floor reduced to the most squalid condition. The prison cell, therefore, is not suitable for the insane, and no hospital for insane convicts upon the plan of a prison can ever be successful. Neither is the hospital ward of

the prison a proper place for the detention of an insane person. Such cases, by reason of their noise, their violence, or their filthy and destructive habits, would immeasurably disturb the sick, be dangerous to the feeble, and destroy the furniture. In order to care for the insane, a number of classified wards are necessary; and, when you provide them, it is best to do so by the erection of a hospital solely for the care of the insane.

Practically, whenever insane convicts are cared for in prison, they are kept in solitary cells, especially when violent, filthy, or disturbed; and the consequent condition of the patient and his surroundings is often shocking. We do not speak of the penal institution of New York or of any State specifically, but authentic examples of just such instances are numerous. Frequently insane convicts with short terms are locked in a cell until the expiration of their sentences, and then turned loose upon the community. It is only some strange perversity on the part of keepers which leads them to permit these discharges rather than to commit such cases to the custody of an insane hospital. Prison officials are not the proper care-takers for the insane, even though they otherwise may be most efficient men. They deal with conditions of crime and with vicious and often hardened criminals. Their whole system of management is radically different, and necessarily so, from that in use in every well-regulated hospital for the insane. Conversation, loud talking, or shouting may be prohibited and severely punished as a measure of discipline in a prison, but not in a hospital for the insane. If a sane convict makes an assault upon a fellow-convict or upon an officer, he is properly punished for it. Not so in a hospital. There he is simply placed in charge of special attendants, and where he can do the least harm. A convict may work with edge tools, and have access to them freely. Not so a lunatic who has dangerous and perhaps homicidal delusions. In a criminal insane asylum one must have a good knowledge of the man he sets to work with knives and blades. Rigid discipline must prevail in prisons, tasks must be accomplished, each man must care for himself, and at the same time contribute something to others by his labor. The insane convict must be cared for by others, and contributes very little. What a skilled physician would attribute to insanity, and excuse or simply endeavor to restrain, the prison officer attributes to viciousness, and would punish; and what would seem a serious breach of discipline in one, might be to the other the harmless exhibition of an

insane mind. Many insane patients have been treated with the greatest harshness, as simply rebellious convicts or malingerers; others have been almost wholly neglected on the ground that, if they were left alone, they would soon "come around"; and this in some cases has gone on for months. True, occasionally it is hard to draw the line; but a person with a medical training and some experience with the insane is the one most competent to do it.

The methods employed in dealing with the sane and the insane convict are totally unlike, and one is not suited to the other. Great dangers to health and life would attend a transposition of these methods, and be an unsafe procedure for both convicts and lunatics as well as for their custodians. It hardly seems necessary to argue that neither the prison cell nor prison hospital wards are proper places for insane convicts, but great tenacity of purpose in some States is still shown in holding manifestly insane persons in custody within the prison walls; and, notwithstanding all experience to the contrary, it is stated over and over again that such cases should remain in the custody of the warden, and not be relinquished to the entire care of a responsible physician, who should be independent of any control except that of the board of managers or the head of the State department.

In order to secure the highest degree of health and as a preventive of insanity, there should be improved prison buildings, larger cells, better sanitary arrangements, abundance of fresh air and sunlight, industrial occupation, educational influences, and, above all, greater hopefulness in prison life for the individual. The spirit of Christianity should prevail, and not its form. For the convict who becomes insane, special provision should be made. It is useless and inhumane to attempt to treat such cases in prison cells or galleries.

In some States the custom prevails of committing insane convicts to the hospitals for the care of the general insane. This is not a satisfactory procedure. The convict is very often a person who is morally depraved, and his presence is for that reason objectionable. He has many habits that are contaminating, and his influence is corrupting. As a rule, he is not a proper person to associate with the inmates of a general hospital. He is often possessed of dangerous or homicidal delusions, particularly of persecution, and needs more careful watching and greater restraint than such hospitals ordinarily provide. He is under sentence, and

prone to make attempts to escape either from the buildings or grounds. Many of them are expert house-breakers and lock-pickers ; and, in order to hold them in safe custody, it is necessary to strengthen walls and window gratings, and to restrict the liberties of others by locked doors. This all gives to the hospital somewhat of the atmosphere of a prison, and is objectionable. The goal toward which hospital superintendents are striving to-day is all in the direction of greater liberty for the insane, a closer approach to home life, the open-door system, and paroles. A convict under sentence, perhaps a professional criminal, is not a proper subject for such an institution. He is an incongruous element. Numbers of them escape from such custody, and many of them feign insanity simply to procure this opportunity. The friends of non-criminal patients also object to such association with felons. When we consider that the general population of such a hospital consists of honest, thrifty, industrious, tax-paying citizens, often well educated and cultured, the objection has some force, particularly if the presence of the insane convict, in addition to being demoralizing, leads to the general deprivation of privileges and the curtailment of personal liberty for all other inmates. Actual experience has taught that such commitments are not desirable. It is only practised in those States where no other way for the care of the insane convict is provided, and is endured as a necessary evil.

The proper method of caring for the insane convict is in a special institution under the charge of a physician experienced in the treatment of the insane, who should possess the same powers and authority as are vested in the medical superintendent of a general hospital for the insane. In some States the number to be provided for would be small, and there could be combined in confinement with convicts such lunatics as have been charged with murder or assault or any other criminal act. The judge presiding at the hearing or trial should, in his discretion, be empowered to commit, either to such hospital or to an ordinary hospital, persons charged with any criminal offence who, in his judgment, were proper subjects for such commitment. Furthermore, if an objectionable criminal from the courts should be inadvertently committed to a State hospital, the superintendent of such hospital, upon petition to a justice of the Supreme Court, should be empowered to transfer a homicidal or dangerous patient to this special hospital for the criminal insane, or else the State

Commission in Lunacy should exercise such power of transfer. Before the removal of an insane convict from a penal institution to such special hospital for insane criminals, he should be examined by two physicians, and, upon their certificate, committed by a judge, the same safeguard being thus afforded against an improper commitment of a convict as is given to the ordinary citizen. If such a person should still remain insane at the hospital at the date of the expiration of the sentence upon which he was sent to prison, he should be detained at the hospital either until recovered or until his condition should warrant his discharge. In this manner a large number of irresponsible, dangerous, and habitual criminals would be selected out of the general convict body, and held in safe custody. Among such persons thus detained at Matteawan is a convict now fourteen years over his time, who still possesses strong delusions, who has served four short terms in prison for as many homicides which he has committed. He was finally found to be insane by the prison authorities, and transferred to our custody. His son, after a notorious criminal career, has been also committed to our care. One is from the prison, the other from the courts. Another patient detained over his time has a record of over thirty convictions, mostly to the penitentiary. His brother is also with us. There are also several other cases where brothers have come into our custody, wherein both have been charged with murder and found to be insane. Undoubtedly, dangerous traits often run in families. Where care is taken in selecting such cases as possess delusions of this character and detaining them in custody, society receives the fullest protection from lunatics unsafe to be at large. Both present hazard from the individual is avoided and, because his confinement ends his opportunities for reproduction, the risk otherwise arising from his progeny is escaped as well.

New York, Michigan, Massachusetts, and Illinois have established hospitals for the reception and care of the criminal insane; and Pennsylvania is actively agitating the question.

In the larger States, like New York, where the population warrants it, we believe that two institutions are needed, one for the convicted cases, and one for the unconvicted and the dangerous class. Each hospital would eventually contain from seven to eight hundred inmates. The institution for the convict insane should be governed by rules similar to those which now govern Matteawan. Patients from the penal institutions should be com-

mitted thereto, and, if insane at the expiration of their sentence, should be detained until fit to be released. The State of New York has made an appropriation of $100,000 for such a hospital; and buildings are now in process of erection by convict labor at Dannemora, where the new institution is located. It is outside the prison enclosure and at a distance from the walls, so that its management may be entirely independent of the prison. There it is proposed to receive from the penal institutions of the State, convicts who may become insane, and in the salubrious climate of the Adironack regions to do all that can be done for their amelioration and cure.

In conclusion, we believe that the best method of caring for the insane convict, is not in the cells or wards of the prison itself nor in the wards of a general hospital for the insane, but in an institution especially designed for that purpose, where he should have, as far as possible, all the benefits of treatment for his development and cure that are given to the free citizen in any well-regulated hospital for the insane, and wherein the convict, moreover, should be detained until he is pronounced a fit subject for absolute release.

III. DEPARTMENT OF JURISPRUDENCE.

I. DEMOCRACY AND THE LABORING MAN.

BY F. J. STIMSON, ESQ., OF BOSTON.

[Read Thursday morning.]

The unexpected weakness of democratic government, as shown in the crisis through which we are now passing, is its belief in the efficiency of law-making. It seems possessed with the idea that statutes can amend both nature and human nature. The State legislatures even more than Congress have erred in this particular; and the error has not been confined, or mainly confined, to either political party. Now there is no class of the community which is so well organized, politically speaking, as that of industrial labor; that is, there is no large body of voters so ready to demand and so able to effect legislation. As a consequence, no other field of our experimenting affords such interest to the student of society. Quite singularly, here, have we got down to first principles; and those basic propositions which usually appear as mere generalities, in the Bills of Rights of the several State constitutions or in the first general set of amendments to the National Constitution, or even those of the Declaration of Independence itself, are now actually discussed in our courts, as they are called upon to test statutes which seek to control the whole of our citizens for the well-being of a part. By our earnest desire to ameliorate the condition of the handicraftsmen, mediæval restrictions are in danger of being re-established, and musty contrivances of old guilds, or devices of feudal lords, refurbished to suit the immediate purpose of the more thoughtless leaders of the masses.

It results from the essential, fundamental nature of this movement that no other branch of our law-making has been so much questioned upon constitutional grounds. The growth of constitutional law in the State and federal courts of this country in the past decade has probably equalled that of the entire century pre-

ceding. Not only that, but the courts have had to discuss first principles, basic propositions, which have hardly been thought of since they lay in the minds of Hamilton and Jefferson, Marshal, or Bushrod Washington, at the period when our constitutions were adopted. Our legislatures are somewhat impatient of experience, particularly of the experience of other nations or of older times, the more that they have all a big brother in the shape of their State Supreme Court to fall back upon when they err. As a consequence, the courts have had to do an amount of nullifying work not contemplated by the makers of our Constitution, and which, if disagreeable to the people who pass the laws, is certainly more disagreeable to the judges. Worse than this, large numbers of our people, and notably the labor interests, are showing signs of impatience, and complaining that the courts are hostile to them. The figures in this article must be taken as approximate, but a somewhat careful investigation of our legislation has shown that at least sixteen hundred laws affecting labor interests have been passed in the forty-five States and three Territories of this country during the past ten years. As many of these statutes are several pages in length, it will be seen that in mere bulk the legislation is not inconsiderable. As a matter of fact, however, it is confined to a small number of principles; that is, to efforts in some few particular directions to regulate human relations, and in still fewer to punish interference with them. But, of the statutes attempting to embody these few principles into law, certainly a very large proportion have been held unconstitutional in some State or other of this country; and, of the principles themselves, a greater propor tion still.

The broad difficulty with this sort of legislation, which has made it necessary for the courts to reject it, is a curious one; and it may come to those who have not studied it with something of surprise. It is that these statutes have been restrictive of liberty; that is, of private liberty,— of the right of a free citizen to use his own property and his own personal powers in such way as he will, if so be that he do not injure others, and to be protected by the State in so doing. It should surprise us now, and it would have very much surprised our forefathers, to learn that this proves to be the direction in which our legislatures most often err. But there is no doubt that democracies, in other nations than our own, when suddenly intrusted with sovereign powers, betray a distinct inclination to tyrannize,— of course, as they suppose, for the general good.

Now there is no department in which the science of legislation is progressive to-day, in which new laws are being formulated and new principles recognized or enacted into law, except that which we may generally term sociology; that is, the department which governs the social relations and provides for the material well-being of the masses of the people. Therefore, it should not surprise us or discourage us to learn that, of the 1,639 laws above mentioned as having been passed in this general department in the last ten years, some 114 specific statutes have been, if we are to assume that present decisions will be followed, declared unconstitutional; while, of the forty-three principles or lines of action in which legislation has been essayed, the constitutionality of no less than twenty-three is, speaking mildly, in doubt.

It is the purpose of this article to study the lines upon which the State has thus far intervened in the labor question, which means to sketch those lines in which legislation has been tried, has succeeded, or has been nullified by the courts. At first sight the lines of such interference by laws do not appear so very startling, nor the statutes themselves especially subversive. The class of statutes of which there is probably the greatest number of all are merely those greatly detailed laws for the regulation or sanitary condition of factories, the constitutionality of which was established in England, though against great opposition, some sixty years ago; and it has never, in the case of large factories, been questioned in this country. This includes the immense number of statutory regulations aimed at the preservation of the health or morals of factory employees, sanitary conditions, ventilation, guarding of dangerous machinery, safety lamps in mines, staircases, fire-escapes, etc., too many to mention here. Of such statutes there have been enacted at least a thousand octavo pages in bulk throughout the country, in the last ten years. They exist in all States except a few in the South and West where practically no factories exist, and, curiously enough, in New Hampshire; that is, they exist in thirty out of forty-five States, and comprise no fewer than one hundred and forty-six chapters of legislation. There has been no decision holding any one of these unconstitutional; but in the case of the regulation of mines, which laws are almost equally numerous (in thirty-three States, and sixty-five chapters of statutes), a recent Pennsylvania statute which provided for the enforced employ of a State inspector not chosen by the mine-owner, and then made the owner of the mine liable to his operatives for damages caused by that in-

spector's negligence, has been recently, by a lower State court, declared unconstitutional,— which, indeed, would seem to be little more than common sense.

The next greatest mass of legislation is that of prison labor; and it may be stated broadly that the general tendency of recent legislation is to prohibit all productive prison labor entirely,— certainly to prohibit all such employment the product of which can be sold in the general outside market in competition with free labor. The more conservative States — that is, those in the East and South — do not (with the exception of New York under its new constitution) go to that length, and content themselves with merely regulating prison labor, or providing that it shall be directed so far as possible to occupations which do not compete with the main industries of the State in question. Yet every one of the forty-seven States and Territories have legislation on this point, and there are no less than seven State constitutions which embody it. Such legislation is not unconstitutional; but there can be little doubt that it is an inhuman piece of folly. So humane a writer as Ruskin has urged that the hard, disagreeable labor of life (such as labor in mines, in forging iron, underground work generally, and the rude toil upon public improvements) should be done by the criminal classes alone, to the relief of those who have not offended against the social state. There has been some complaint against the convict camps in the South, and the reader who is interested in such things may find a very curious work called "The American Siberia," wherein the commissioner of convicts in the State of Florida relates his experiences of many years with such camps; but it may be doubted whether the lot of the convict in the roughest of them is so harassing to the nerves or so debasing to the character as that of an unemployed prisoner confined permanently in a jail. It seems a sad criticism on our industrial state that the number of convicts should be so great as to give freemen cause to complain of the competition of their labor. However, it may be well enough that their labor should be primarily used on public works; and it would seem even that a larger philanthropy might find no objection to their use in building State roads, dikes, cutting canals, or improving harbors, if managed in such a manner as not to make a spectacle of them in the streets. A bill of this sort was seriously proposed in Massachusetts recently in connection with the Cape Cod Ship Canal, a much-desired public work, but one which could probably never pay private enterprise to construct. It is in just such works as this,

where the money returned is not adequate to tempt private capital, but the benefit to the State or public is very great, that convict labor might wisely be employed; and it is a mistaken sentimentality which objects to it.

The most important line in which the aid of legislation has been sought by the labor interests is that of enforced restriction by the State of hours of labor. There has been so much loose discussion of eight or nine hour laws for the last few years that the public have possibly been led into a delusion as to the position of free countries on this question. One suspects that it is commonly supposed that laws making it criminal or penal for employers to employ the labor of male citizens of full age more than a certain fixed period per day have been usual in countries enjoying constitutional liberty: whereas the exact contrary is the case. An autocratic government, like that of the German emperor, may doubtless do what it likes; but, with the possible exception of New Zealand, where a policy nearly approaching to State socialism has been adopted by popular majorities, no English-speaking race has yet submitted itself to a law whereby the liberty of a freeman of full age to work as long as he choose has been thus curtailed; and in our country, as we shall see, such laws, when attempted, which is seldom, have always hitherto been held unconstitutional. The misconception has arisen from the fact that the constitutionality of laws limiting the labor of women and minor children, who are in theory favored by the special protection of the State, has been long since sustained in England and in some of the States of this country. Such laws, applying mainly to labor in factories and workshops, have existed in both countries for forty or fifty years, and have doubtless had the indirect effect of limiting male labor of full age in factories to the same working-day hours, the reason being that the bulk of factory labor is that of women and children, and that it is not economical, oftentimes impossible, to employ a small number of hands in a mill — namely, the adult males — after the other hands have been discharged. All that people usually mean when they speak of eight or nine hour laws is those laws which apply only to factory labor, not to agricultural or domestic or individual services, and only even to such factory labor as is furnished by women or children. Where laws go beyond this (subject to a few minor exceptions instituted in the interest of the public safety, which will be discussed later), they are exceptional, if not unconstitutional; and, in this country, even such laws as

apply only to the labor of women of full age may be unconstitutional, under the theory that a woman is a full citizen, entitled to all the rights that a man has, except where expressly limited by constitutions or constitutional statutes.

Only two States or Territories in the Union have hitherto made any effort to prohibit all men from laboring as many hours per diem as they choose to contract for. These States are Nebraska and Colorado; and in Nebraska the statute made an exception of farm or agricultural labor, and did not actually prohibit labor overtime, but merely provided that it should be paid double rates. In Colorado they did not even get so far as a statute; but the legislature inquired of the Supreme Court of Colorado, as it had a constitutional right to do, whether a bill which provided that "eight hours shall constitute a legal day's work for all classes of mechanics, workingmen, or laborers employed in any occupation in the State of Colorado," was constitutional, and also whether an amendment proposed which limited the act to laborers employed in mines, factories, and smelting works, would render it constitutional; and the court decided both questions in the negative, holding that it was not competent for the legislature to single out certain industries and impose upon them restrictions from which other employers were exempt, and also that both bills violated the rights of parties to make their own contracts,— "a right guaranteed by our Bill of Rights and protected by the Fourteenth Amendment of the Constitution of the United States." The Supreme Court of Illinois has also pronounced against laws limiting the hours of labor of adult citizens, male or female. Georgia is the only other State which has said anything about hours of labor in general; but, as the statute of that industrious community limits the length of the working day to the time between sunrise and sunset, the law has gone unquestioned, though it would probably be declared unconstitutional in Georgia if the question were raised as to industries where it is necessary to work in the night. These causes have undoubtedly given a *quietus* in the United States to any attempt to limit generally the time that a grown man may labor.

There are, however, one or two more States where there is a statute which provides what shall be the length of a working day in the absence of a special contract to the contrary or a general usage of any particular trade: these are New Hampshire, Connecticut, California, and Florida; and there are still more States

where such a period is prescribed as to general industrial or mechanical labor,— that is, to labor by the day, and not to farm labor or domestic service. These are Pennsylvania, Indiana, Illinois, Ohio, Michigan, Missouri, and Nebraska; but even this statute has apparently been held unconstitutional in Nebraska and Illinois, and directly so in Ohio, where the statute applied to the employees of a mine or railroad only, and required that they should work not more than ten hours per diem, and receive extra pay for overtime, the court holding that "statutes may be, and they sometimes are, held to be unconstitutional, although they contravene no express word of the constitution, as where they strike at the inalienable rights of the citizen so as to infringe the spirit of the instrument, though not its letter." The court held, however, that it did infringe the letter of the Ohio constitution; and otherwise its position would have been somewhat extreme, the idea that there is anything in the "spirit" of the constitutions which the courts are to preserve having been strongly denied by the Supreme Courts of other States, notably that of Massachusetts.

When we get to the attempts of the labor interests to limit the work of men employed by the State or by cities or counties or public municipalities or even by contractors for them, we find little more encouragement from the courts. No less than nineteen statutes have been passed, by eleven States, limiting the length of the labor day upon all public work to eight hours, or, in Massachusetts and Texas, to nine hours. It appears clear that the government of a State or city may voluntarily choose to employ its workmen for as short a working day as they please. One would hardly suppose that such a statute were unconstitutional; and it has been held not to be so, as to United States laws, by the United States Supreme Court, which would undoubtedly be followed in Massachusetts. But as such statutes, to be of any effect, must impose a penalty upon the contractor or laborer working more than eight hours,— that is, must make such labor a criminal offence,— it is easy to see that our courts are indisposed to allow mere industry to be made a crime, even when displayed on behalf of the public interest. Thus, although California has even a constitutional provision making eight hours a legal day in all public work and requiring city contracts to be so made, one Kuback, having suffered his workmen to work overtime, was indicted as for a criminal offence; and the court, with much indignation, held that that part of the statute was unconstitutional. So in New

York it was held that a similar statute could not be the basis of a criminal indictment for misdemeanor, which practically nullifies the law. The result is that we may guess these laws to be unconstitutional in at least six of the eleven States named, and possibly in more. The length to which legislatures may go in fostering this private interest at the expense of the public is curiously shown in another statute of California, which absolutely forbids any work to be done by contract on public buildings belonging to the State, and makes it necessary for every one, architects apparently included, to be employed by day labor; while another provision makes it a felony for any contractor to pay any laborer less than the contractor receives for his work,—a provision which would seem to wipe out contractors' profits, and reduce him to the mere condition of receiving wages for superintendence of work.

But the great body of legislation on this subject is, generally speaking, concerned with the labor of women and children in factories. The labor of women of full age is restricted to a certain period of working day in fifteen States by thirty-seven statutes. Such statutes may generally be said to exist in New England, with the exception of Vermont, and in Virginia, South Carolina, Georgia, and Louisiana of the Southern States. Similar laws in Wisconsin, Minnesota, the Dakotas, and Oklahoma may be disregarded, because they only apply to labor required by the employer, the point of the general statute being that the employer is not even allowed to get overtime labor by voluntary contract with his operatives. The New England law ordinarily limits such factory labor to ten hours a day, or sixty hours a week; and the same is the case in all the other States mentioned except South Carolina and Georgia, which allow eleven hours per day. But Massachusetts allows only fifty-eight hours per week; *i.e.*, there is a short day on Saturday. Now there is hardly a more important point than this now disturbing the labor organizations of the country, if not the legislatures. It is the key to the whole situation upon the working day, because factory labor, even though applying only to women and minors, largely influences the length of the working day of other persons in other employments. But although this statute has existed for fifty years in England, where at first it aroused the greatest opposition, and was affirmed as constitutional by the Supreme Court of Massachusetts many years ago, it is still doubtful whether it is valid as applied to women of full age in other States. The Supreme Court of Illinois has

recently rendered a most elaborate opinion, declaring it to be unconstitutional on the somewhat unexpected ground that, a woman being a full citizen under the modern theory (save only as expressly relieved by statute of onerous duties, such as serving in the militia or upon juries), she has all the rights that a man has; and, consequently, her right to work more than eight hours a day, if she wishes, may not (as handicapping her in the industrial race with persons of the other sex) be arbitrarily taken from her. It is a picturesque, possibly unexpected, but certainly logical result of the agitation for woman's rights that she should lose some of her privileges; and it is very probable that until the Illinois decision the right to be exempt from factory labor for more than a short working day under serious penalty to the employer was regarded as a privilege, and not as a handicap. Even under the woman's rights movement, no State has yet hazarded or even proposed a statute that in matters of private contract a woman's labor should be paid at the same rate per day as a man's. The restriction of her working day, therefore, does not serve as an excuse to the employer for paying her less, for this he already does, has always done, and would probably in most employments continue to do, on the sex distinction alone; but, be it privilege or handicap, it is certainly gone forever in Illinois, and probably in the other States whose constitutions follow the modern theory that a woman is a citizen, like a man, and not capable of any special protection under the law. The Illinois Supreme Court practically held that any legislation which protected women, and did not apply to men, was class legislation. It denied that men and women could be created into classes under the constitution. "Male and female created He them"; but the court of Illinois re-created them otherwise, — an extraordinary conclusion, surely, but we cannot say illogical. The decision has been received by the woman suffrage associations with a silence that is positively oppressive.

A still more striking illustration of modern theories conflicting with ancient ideas is shown in the question of prohibiting women by law from serving in occupations injurious to their health or morals. One would suppose that this matter might be considered covered by the "police jurisdiction" of legislatures, yet it has been questioned; and in California an ordinance of the city of San Francisco providing that no woman should be employed to serve liquor in retail liquor shops was held unconstitutional. But four States have adopted this statute; and in Louisiana it has

apparently been sustained, as well as in the two recent cases arising in the States of Washington and Ohio. And one may hope that these latter will be followed in future decisions. Upon a similar reason must rest the very usual statute, now being rapidly adopted throughout the country, providing that seats shall be supplied to female employees in shops, stores, and factories, separate toilet-rooms, stairways, etc. Thirty-four such statutes have been passed in twenty-two States, and hitherto no court has questioned them. But a still larger question is the right of the State under the new theory to prohibit women from working at all in certain occupations which are commonly believed to be rough, disagreeable, or provocative of immorality. It has been customary for women to work in coal mines stripped to the waist, and in England reformers have very generally put a stop to their employment in such; but, in this country, four States provide by their constitutions or general laws that no person shall be precluded or debarred from any occupation, employment, or profession whatever, on account of sex, the only exception being the military one. These States are California, Illinois, Louisiana, and Washington. How is it possible under such a constitutional provision to forbid women by law from working where they choose? Their employment in coal mines, for instance, has been prohibited in terms in six States in this country,— Pennsylvania, Indiana, Wyoming, West Virginia, Washington, and Utah; and in Pennsylvania and West Virginia, at least, being conservative States, we may imagine such restriction a proper one. But how would it be possible under the new theory? Indeed, the Supreme Court of Illinois has expressly said that it is not possible; and that is the implication of the decision as to liquor saloons in California.

When we come to the limiting of the working day of minors, in factories, we have at last no constitutional question to face; and no less than sixty-seven such statutes have been passed in twenty-two States. But even here the question of policy comes up, and the conflict of opinion in various sections of the country is very striking. Besides the States mentioned as limiting the factory day for women of full age, we find these statutes, which apply to minors only, existing generally in New England and the North (save only Kansas, Nebraska, Iowa, and Vermont), which are not manufacturing States, and not existing generally in the Pacific States, the Rocky Mountain States, and in the South. The fact has already been adverted to that Massachusetts has a working period shorter

by two hours in the week than that of any other State. The labor unions themselves have come to the conclusion that they cannot go further in Massachusetts without injuring its industry by comparison with that of other States; and many bills introduced for the purpose of reducing the day's labor below ten hours have been defeated in the last few years, largely by their influence. But, on the other hand, they are with propriety seeking to influence the other States, which have no such statutes, to adopt them. Now nearly all the States in the Union have established by law boards of commissioners for bringing about uniformity of law throughout the States, whose duties are to meet and devise statutes identical in terms upon subjects wherein uniformity may wisely be desired, and, having prepared such statutes, to use their influence for their adoption in their respective States. Two years ago, urged thereto by the labor unions, the Massachusetts legislature passed a resolution instructing its commissioners upon uniformity of legislation to bring before their next national conference the desirability of factory legislation in other States; that is, of inducing the South and West to adopt what is commonly known as the ten-hour law. The Massachusetts commissioners brought this up in the national conference which was held at Detroit in the summer of 1895, but they met with the vigorous and nearly unanimous opposition of Southern and Western States. The fact is that, while the labor interests are strong enough to bring about reasonable legislation in their own State, they cannot overcome the desire of the States without large manufactories to establish such by competing with the Northern States in allowing a freer hand to capital; and the result is that, particularly in the South, mills may work their operatives eleven or twelve hours, or even more, a day. Not only this, but most of the legislation which forms the subject of this article, and which undoubtedly has the effect somewhat to hamper employers, does not exist in those States; and there is even an extraordinarily liberal exemption from taxation for new industrial enterprises, often lasting for as long as ten years. Hence the labor reformers have got to a point in New England where it is unsafe for them to proceed further until they have secured the adoption of their ideas in the rest of the country.

In special occupations the hours of labor may be limited by law for other reasons than the advantage of the operative; *i.e.*, for the benefit, health, or safety of the public in general. This comes under a different jurisdiction of the legislatures, commonly known

as the police power; and, as a rule, their full control of such matters as the regulation of the length of the working day of railroad engineers, street-car employees, etc., has not been denied by the courts. Even here, however, the rule is not without exception; and, of the twenty-three States which have adopted such statutes, Ohio, and by inference one or two others, have declared them unconstitutional. It is at least clear that they must be adopted for the good of the public, and not of the employees in question; but, when this is the case, we may expect that the courts will not question them. Similar regulations applying to women and children are, however, less open to question; and we find them in fifteen States. So, also, of the educational restrictions devised primarily in the interest of common-school education, which we find in almost all. Then there are laws prohibiting the employment of children in dangerous occupations, such as running elevators or cleaning machinery in motion, or in immoral callings, such as begging, dancing on the stage, or employment in circuses. No less than fifty-two such laws have been passed in the last ten years in twenty-two States.

Leaving factories, let us now go to "sweat-shops," or the regulation of houses in which industrial occupations are carried on. The general health regulation of cities takes up an immense body of legislation, which, as it concerns ordinary sanitary matters rather than labor, we need not consider in this article; but several States have already adopted laws, and in others laws are pending, which interfere with the conduct of certain industries, or sometimes any industry, by a man or his family in his own house or tenement. Now "an Englishman's house is his castle." Moreover, the dearest hope of philanthropists in the early half of this century was to do away with the factory system, and reintroduce domestic labor, as by power-wheels, looms, or lathes, in a man's own home,— a hope that now seems more than ever possible of realization, owing to the possibility of cheaply subdividing electrical power. It is easy to see that any statutes aimed at "sweat-shops" will be apt to cover also labor in a man's own home. Up to the beginning of this year, legislation of this sort had been begun in five States,— Massachusetts, New York, New Jersey, Pennsylvania, and Illinois. It is generally aimed at the manufacture of or labor upon special commodities, such as clothing, tobacco, and artificial flowers, and makes any dwelling-house or tenement where such work was carried on subject to official inspection, providing that no room used for sleeping or eating purposes can be used for such

manufacture except by members of the family living therein, and sometimes absolutely prohibiting the manufacture of certain commodities, such as cigars, upon a floor any part of which is occupied for residence purposes. This statute was, and in New York and Illinois it has been, pronounced unconstitutional. The question of what is a tenement is, of course, important when considering such legislation; and in New York a statute was passed, declaring that any building occupied by more than three families should be held to be a tenement house, and subject to such regulation. It is probable that in the future the sanitary regulation of "sweat-shops," properly so called,— that is, rooms where a considerable number of operatives in residence in the house are employed,— will be pretty freely admitted; but a law which prevents a person or his family from conducting any work they chose in their own home or tenement will not be likely to stand unless the occupation itself is positively dangerous to the health of the community.

Perhaps the most surprising direction in which our labor leaders have secured legislation is in the regulation by the State of the labor contract itself, and in the strengthening of restrictive unions and combinations by the hands of the law. The whole history of the past is summed up in the emancipation of the individual freeman from the guild, of the trader from restraints of trade, of the town merchant from the chartered companies. The economic history of the past consists in the throwing down of all barriers by which laborers were excluded from the labor market, in the wiping out of the interminable and vexatious restrictions and regulations which hampered labor as between man and man, between town and country, between master and apprentice, between the privileged member of a guild and the ordinary freeman. There should be a proverb, "As short as the memory of an agitator"; for it was as late as Aug. 4, 1789, that this reform was accomplished in France under the tocsin of the Revolution, while in England its completion, owing to the greater liberty citizens had previously enjoyed, took place fifty years later. The French historian speaks of "the glorious night of the 4th of August, which made good the demands of the laboring classes for the freedom of individuals as against absolutism, and for the abstinence from every encroachment by a positive economic legislation upon free economic life." It took a millennium to bring this about; but, apparently, a century has been enough to make labor unions sick of it.

As constitutions speak primarily for freedom, freedom of the

man against the mass to-day, as formerly for freedom of the mass against the man, it is not surprising to find this kind of progress backward condemned by the courts most often of all our crude attempts at outworn solutions of perduring problems.

One State in the Union (Massachusetts) has created for itself an entire chapter of legislation upon the labor contract, which, from greater experience or intelligence, is for the most part valid. Other States and Congress have fussed over it in detail, with striking results. The great protection of the laborer in the five centuries past has been that the English common law has always refused to enforce specifically the labor contract alone of all contracts between man and man,— a privilege and advantage of laborers which the zeal of the people against trusts and corporations has come perilously near making them lose. Under statutes, national or State, which pretend to check combinations in restraint of trade or which place extraordinary duties on already overburdened chancellors, the laboring man is being put in some danger of being forced to work under criminal penalty,— a position as disagreeable to him as it is, since at least the time of the early Henries, novel. Then the abolition of slavery has made it a requisite for some Southern and South-western communities to get some control over their labor by re-enacting ancient servile statutes, as, for instance, that an agricultural laborer who breaks his contract and leaves his employment before its term shall not only forfeit wages due, but be liable in a penalty. This, however, will probably not go further.

But the interference of the State with labor contracts is growing to be something extraordinary throughout the Union. Ten laws of nine States provide that, when an employer requires a day's or week's or month's notice of quitting employment, he may not himself discharge his employee, although drunk or incompetent, without giving him corresponding notice or payment of wages for the full time, even when the employee in writing consents to such a provision. This law has been declared unconstitutional by express decision in one State and by implication in two others. Ohio and Massachusetts provide against the withholding of wages for bad work, as by fines to weavers or penalties for damage of machinery and tools. The Massachusetts court at first held this law unconstitutional, and the statute was slightly amended to meet its views; but, under the stricter Western view of constitutional law, it is undeniably class legislation, and the Ohio statute is probably invalid.

Next we come to the mass of legislation which attempts to prescribe the time, money, and nature of payment of the workman by his employer. It is well known that the most prolific cause of strikes in recent years, except perhaps the employment of non-union men, is the at first sight reasonable insistence of railroads or corporations upon their right to pay a skilled workman higher wages than a bungler. The policy of union labor is to be intolerant of excellence: it seeks an average. In the same way, it is very impatient of all payment which is reckoned not upon the number of days' labor, but on the value of its output. Mines, in particular, have evoked its resistance on this point, from their desire to pay the miner for the weight of coal his day's work has actually turned out at the pit's mouth. On the other side, it must be said that there is doubtless some fraud in the rejecting of coal or ore under the plea that it is not up to standard; but, whichever it be, no less than thirteen States have passed laws regulating or forbidding payment by weight of coal or ore, providing that it should be weighed before being screened or sifted or appraised, providing a system of State inspection, weighing, and measuring, at the employer's expense, and that the parties cannot evade these provisions even by voluntary contract. This statute has been expressly annulled by the courts of no less than four States out of the thirteen, and by implication in eight others, leaving only one where it is probably valid.

Then there is a mass of legislation as to the time or currency in which the employer should pay,— weekly, fortnightly, or at least monthly. Undoubtedly, such statutes seem wise; though the inconvenience of requiring an employer to pay everybody — as, for instance, his coachman or his trusted clerk — by the week instead of by the month might be questioned. Yet the danger of interfering in small affairs with human freedom was curiously shown in this very matter in the panic of 1893 in Chicago. The great employers of that city found themselves absolutely without cash, and hundreds of thousands of workmen were in danger of starving; for, even if the mills and workshops were kept open, their wages could not be paid them in money. The orders or checks of the great employers were, however, perfectly good, and passed current as money with the grocer or landlord. As a benevolent act, a number of employers got together and at a labor meeting announced, amid the cheers of the multitude, that the danger of closing the mills had been averted, and that money enough had been found to

enable them to pay wages, 50 per cent. in cash and 50 per cent. in checks or orders which were as good as cash. The wage-earners went home happy, only to find on the next morning that the wise legislature which represented them had made any such arrangement at any time between master and workman a criminal compact, for which the former, at least, was heavily mulcted and liable to imprisonment. After some months, when the legislature met, the law was repealed; but in the mean time the Supreme Court of Illinois had found it unconstitutional, and such legislation has since been declared unconstitutional in five other States expressly, by implication in three others, and has only been affirmed in three of the seventeen States which have such statutes, among them, however, Massachusetts. There are no less than forty-two laws upon this subject in our country; and there are fifty-five other statutes requiring that all wages and salaries shall be paid in money, legal tender, not in checks or orders for supplies, or for credits at a store, or for rents, or for any other commodity. The intention of these statutes is most excellent, being aimed against the establishment of a credit tyranny over the workmen by large employers of labor. Yet, of the eighteen States which have it, only one has sustained it by its courts; while six expressly, ten impliedly, have annulled it as against the freedom of the American citizen. Still more reasonable seems the intent of seventeen other statutes of sixteen States levelled against the maintenance of general stores by employers of labor at which the workman is tacitly invited to trade and run up an account. Yet so great is the conservatism of our Western courts, or at least so unwilling are they to put it out of the power of an American citizen to do anything he choose, or trade where and how he will, that in four States the law has been expressly annulled; and, by implication, it is bad in eleven others out of the sixteen.

The task would be endless to go through all the kinds of tinkering which our legislatures have sought to impose on the industrial relations of their constituents. Dozens of such bills are introduced in our State legislatures each year where one is enacted; and, of the ones that are enacted, probably more than half turn to waste paper in the courts, and such was known to be their future when they were first engrossed by the legislature. Yet every legislature has its demagogue to make political capital of such a bill, and its majority of cowards who refuse to go on record as objecting to it, and probably consciously rely upon the greater

courage of their judges, upon whom, unjustly, and against all meaning of our constitution of government, this duty of "Devil's Advocate" is thus imposed. It must not be thought, however, that the courts are always retroactive in labor questions. They have, in the most important matters of all, been most progressive. In fact, one may say that the great reforms legalizing trades-unions and removing strikes from the law of criminal conspiracy have been brought about in this country by decisions of the courts; while in England it had to be done by acts of Parliament. Under the common law as it existed in England, until recently, trades-unions were in themselves illegal; but this was set right in this country early after the Revolution. And the courts have done all they can to further the modern enlightened opinion that the best method to handle labor disputes is to recognize both sides in the law, and gain reasonable adjustment of labor differences, as well as the honest carrying out of such adjustments when made, by the establishment and recognition of responsible bodies of organized labor duly chartered by the State statutes. Almost every State in the Union has such statutes, authorizing the formation of labor unions, Knights of Labor, Farmers' Alliances, and similar bodies; and in no State have the courts questioned them. In fact, the earlier statutes themselves but carried out the decisions of our courts in the early part of the century, when they first fully vindicated the right of laboring men to organize and even to act in concert, for the bettering of their own condition or the increase of their wages, so long as they do not interfere with other citizens or run counter to federal laws.

But the labor unions have gone further than this, and have sought to get special protection of organized labor at the hands of the State, by having statutes enacted which forbid employers, not only from discharging men because they are members of labor unions, but from requiring as a condition that their workmen should not join such unions, or even to the further step of preventing employers from making free choice in engaging their help among non-union men or in having apprentices; and, while there is no legislation yet, bills have been introduced and designed by labor leaders which in effect would put non-union men and apprentices at the actual mercy of the trades-unions, as by legalizing strikes or boycotts against them. Such legislation is probably unconstitutional, and has been definitely so held already in the State of Missouri; and the courts of at least four of the ten

other States which have tried it will probably follow the Missouri decision. To make it a misdemeanor for an employer to exercise his choice of workmen would indeed seem to be going further than the sentiment of a free country should permit.

Union labels — that is, the recognition by statute of the right of union labor to stamp its output with a trade-mark indicating that it is made under union conditions, or what is called "fair work" — have been expressly recognized by the legislation of nearly all our States, and their infringement penalized, as in case of the infringement of a patent right. Twenty-four States have already passed such statutes, and the others are rapidly following. Such legislation is welcome, when fair and not one-sided, and when the label is not placed in the hands of a body irresponsible at law to be used against producers as a mere method of intimidation; but, when labor interests take the step of hindering fair relations between employer and employed, and stopping insurance against accident, old age, or disability, by making impossible the institution of those insurance or benefit funds which have, in some States, and particularly in the case of the larger railroads, been successfully working for many years, it seems that they have their faces set against progress once more. Four States have passed statutes forbidding the institution of any such insurance or benefit fund, even when the employees voluntarily make their contributions to it, and the corporation donates a large, sometimes an equal, amount; while only two States have so far passed statutes allowing them. Yet these insurance and benevolent funds are eagerly desired by labor leaders in England and in Europe; and it may be remarked that three of the four States referred to have already, through their courts, declared the prohibition of them unconstitutional.

We have left the great institution of strikes to the last. Undoubtedly, our radical labor unions will be glad of statutes which make any kind of combination to strike, or to boycott employers, or even to control fellow-workmen, legal. The British Parliament has recently gone very far in this direction, by making in labor disputes, any combination of however many persons, and although practically aimed specifically against other persons, not an unlawful conspiracy unless the acts actually committed by the members of the combination are criminal offences in themselves. This act in England only applies to industrial labor, not to agricultural labor, and still less to other matters than labor disputes. It would

consequently be unconstitutional in this country, where most of our written constitutions forbid class legislation and special privileges. Nevertheless, one State (Maryland) has gone to the length of copying the English statute; and there are seven others which have amended the law of conspiracy by providing that there must be an overt act, criminal and unlawful in itself, in all cases of combination, to make the persons combining guilty of a conspiracy. This statute is not unconstitutional where it applies, as it usually does, to combinations of all classes of persons; but it is somewhat difficult to reconcile it with the legislation against trusts, which generally exists in the same States, whereby any combination of employers or manufacturers is made a criminal offence, as even by setting a price for a line of goods or a rate of transportation, which obviously any one person or corporation would necessarily have the right in any free country to do for itself alone.

But while legislatures, as well as our courts, have shown every desire to go to the extreme limit of safe progression in the recognition of labor combination, they have, in the opposite direction, laid stringent hands upon combinations among employers, in their anti-trust legislation. Over twenty States in the Union have now elaborate chapters levelled at all combinations except in labor or agricultural products; and, as they rarely work, they are patched up and made stricter almost every year. In Texas the whole law has been held unconstitutional, and such is probably the case elsewhere. Here is another instance where the political cowardice of our legislatures, and the lack of intelligence behind our legislation, bids fair to result in an extraordinary tangle, which it may take the better part of the next century to clear up. Lucky for us if such impracticable measures do not, in the mean time, inspire our citizens with a general contempt for all law.

Further and still more radical statutes are being passed in the direction of not only legalizing strikes and boycotts, but even of making it impossible to prevent the disorder and destruction of property which may result from the same. Exasperated by the extreme to which, by the ill-considered legislation of the anti-trust acts, our federal courts were led in the Chicago riots of 1893, the State of Nebraska has passed a statute which practically wipes out all chancery powers and all equity jurisdiction. Under this statute it would seem that, if a body of strikers even went to the length of stopping railway trains and preventing interstate commerce, they could not be permanently detained for the contempt, or restrained

by any equity process at the time, but could only be once arrested and then immediately discharged, under a common appeal bond, to await their trial as for a criminal action before some future jury many months after the riot had ceased. Of similar intent is the provision inserted actually in the constitution of Colorado and enacted by statute in Missouri, which in substance makes it a criminal offence for any owner of property to employ watchmen, private police, Pinkerton men, or other champions, to protect life or property where the local authorities fail or refuse to do so. The enactment of these two statutes side by side would paralyze the "resources of civilization," the arm of the law on one side and, on the other, would make criminal that right of self-protection which was inherent in Saxon freemen before modern law began. The fact that through the bungling of Congress the judicial branch of the government was led into the exercise of too much power properly appertaining to the executive would, if it were true, be no excuse for such blind legislation as this. It gives the handle to Mr. Debs to agitate against so-called oppression, as I see he did yesterday at St. Louis; to say he was "enjoined" off the face of the earth, when in fact he was only enjoined from trespassing on a certain piece of private property.

The reader may think that we have about exhausted the legislation of recent years upon the labor question. Such is not, however, the case; and there is quite a mass of it we left untouched. Space remains but to mention the extraordinary number of statutes which exist seeking to give special advantages, privileges, preferences, peculiar political rights, or peculiar educational rights to those engaged in manual labor. (It is a curious thing, by the way, that the great body of clerks, office employees, even to salesmen in stores, though nearly, as the census shows, equal to industrial laborers in number, have hardly been considered by legislation at all. Save a very few recent statutes in a few States restricting the hours of labor of saleswomen, and a scattering law here and there requiring them to be furnished with seats, our law-makers have not concerned themselves with these any more than they have with farm labor, possibly because the majority of the former are women or children not having votes, possibly because they are not duly organized into "knighthoods" or "federations.")

Of such statutes, giving peculiar privileges to manual labor, one might mention those which exist in nearly, if not quite, every State, giving special liens to such wage-earners upon the goods or

property on which they work, or upon the general property of their employer, or upon his assets in insolvency, even to the exclusion of other creditors. These are harmless enough. So, perhaps, are the statutes almost equally numerous which amend the common law of the employer's liability for accidents happening while in his employ, which seek to approach the point whereby an employer is made liable for damages for the injuries or death of an employee occurring during working hours, without much regard to the cause of the accident or the care taken by the person injured. But even these we may approve, and certainly could approve, if they were coupled with legislation making possible the insurance funds above referred to. From them we go on further to the laws giving wage-creditors preferences for their debts against any others, even sometimes over farm labor, clerks, or domestic servants; while, on the other hand, in all States, wages themselves are, to a very considerable amount, exempt from execution or attachment by the creditor of the laborer. These exemptions have in some Western States grown so large that, practically, no property is liable for debt except money invested in stocks and bonds; and they are so extreme that the State of Wyoming, for instance, has found it necessary to pass a law forbidding debts to be assigned to creditors living out of the State, that being the only method by which a claim can be collected against any person, not a millionaire, in that happy Commonwealth. This statute is probably also unconstitutional. Then we have statutes providing that, if a person has a claim for manual services, he may get special attorneys' fees from the defendant, shall be entitled to a hearing of his action before all other actions, shall have no exemptions of property valid against him even in the hands of people as poor as himself; and, in case the defendant is a corporation, every individual stockholder, although the conventional widow or orphan, shall be liable personally and alone for the amount. No security for costs is required of the happy plaintiff in labor actions, laws against trusts and combinations do not apply to him, his agricultural products are entitled to special rates on the railways, and he himself to a free passage if he go with his cattle. I find about a dozen States with such laws recently passed, in four of which, however, some one or more of them has already been held unconstitutional by the local court.

Then we have the efforts made by laborers who are citizens to prevent aliens from getting employment. Three States (California, Nevada, and Idaho) have passed statutes that no person who is

an alien can be employed upon any labor by any corporation in the State. This law was annulled, however, in California, by the strong arm of the federal court. Seven States have passed laws that no alien can be employed on any public work for any job that the State, county, city, or town is to pay for; and in two of these States thus far the courts have annulled the law. Three States have attempted to pass laws, independently of the national government, forbidding the immigration of persons into the State, although from another State, who are aliens and under contract to labor therein. One may safely say, however, that this legislation will vanish when it first appears in the federal court-room.* There are no less than twenty-three States which seek specially to protect the industrial laborer from undue influence upon election days. He must be given time to vote. No threat of stopping the mill or hope of opening it must be held out by his employer. Nothing political must be printed on the envelope in which he receives his wage-money. He must be allowed to be a candidate himself without losing his job. And various other safeguards are woven round him, all of which are fair enough, though one would suppose, particularly at the end of this discussion, that the mill operative were as well able to look out for himself politically and industrially as the domestic servant or the farm laborer, as yet unrecognized in our legislation.

Now what is the outcome of all this? We have run over a mass of legislation which exists in every State of the Union, and covers no less than 1,539 laws, all of which have been passed during the past ten years. The general characteristic of all of them, though some are harmless enough, is that they either seek (1) to give the industrial laborer special privileges or (2) they seek to control his actions or the actions of his employers or of other employers in his peculiar interest. When, in doing this, they clash with the old inherited freedom of the Anglo-Saxon freeman, the courts have been forced to hold them invalid. And, in so doing, they have produced this extraordinary result, which perhaps justifies the superficial complaint of the labor agitator that the courts are against him.

We have discussed some thirty-five classes or kinds of legislation essayed in the interest of the industrial employee. Of these thirty-five classes, in one or another State, no less than twenty-one

* The Pennsylvania statute taxing alien laborers has been declared unconstitutional since this was written.

have been held as to some one law or several inconsistent with the State or federal Constitution. If we assume that each court decision was right, and will be followed in other States, we find that no less than 60 per cent. of this legislation has been annulled by the courts. We cannot, of course, assume this, especially as in some of the States the courts have taken a different view; but we may assume that, where there are more than one or two decisions on the same kind of law in different States, holding the law invalid, such is the general constitutional law throughout the Union. Even by this test an immense proportion of this legislative activity has been rendered idle and vain by the judicial branch of our government. But, before drawing a moral, let us for one moment consider what the legislatures have done in the other direction; that is, in the direction either of affirming liberty and protecting classes from classes, or individuals from other individuals, or in the still more hopeful direction of bettering industrial problems by positive legislation of the beneficial sort,— legislation which is constructive rather than restrictive. The tale is pitifully short. Beyond the one great statute now happily adopted by nearly half our States, which legalizes arbitration and conciliation in labor disputes and provides machinery for it, the only other subject on which we can point to legislation is that some dozen or more States have enacted laws expressly affirming or defining the right of the American citizen to his employment free from intimidation or molestation.

Such statutes indeed but enact the common law. Nevertheless, their existence is a hopeful sign. Thus we find in Maine and Massachusetts that threats, intimidation, or coercion, are forbidden both to the employer and to the employee. In Massachusetts they are specially forbidden as from labor unions to individual laborers; while in New England, New York, and the Northern States, generally, it is made a penal offence to prevent any person from entering into or continuing in the employment of any other person, or to prevent the employer from employing, or to interfere in any way with his lawful trade, his tools, or his property; or for several to conspire to compel another to employ or discharge any person, or in any way alter his mode of business. This last most intelligent statute only exists in Oregon, Dakota, and Oklahoma. It probably was not passed in other States because their legislatures were aware that it was already the law of the land. New York, New Jersey, Pennsylvania, and a few Western States

have statutes expressly legalizing lawful and peaceable strikes,—a statute which, however, is also not necessary in our country, whatever may once have been the case in England. And the same remarks apply to the statute existing in New York and the Northwest against boycotting, which, being a conspiracy to do a private wrong, was always "against the peace," whether of kingdom or republic. Then many States have statutes against blacklisting, which is the same offence the other way about; that is, it is a combination of employers to prevent an individual employee or a number of employees from getting other employment. Georgia has gone to the length of requiring a corporation discharging an employee to furnish him with a written analysis of the defects of his character which led to his discharge. But the high court of that State has, with corresponding luminosity, declared that, if the right to free speech exists in the North, there is a corresponding right in the South to silence, and that the free-born American may shut up about his own business, and not be haled into court to discover how he manages it. But these three classes of legislation are all; namely, provision for arbitration, prevention of intimidation, prevention of boycotting and blacklisting. This legislation is in the line of reasserting individualism.

As we have given the number of restrictive laws, it may be well also to enumerate laws of this sort, which we may call emancipative or protective. They number in all ninety-nine statutes of the emancipative or protective kinds, that is, those that assert common-law principles of personal liberty; and they exist in about twenty States. A slight distinction may be made between these and the statutes of the constructive sort, such as acts legalizing labor unions and creating boards of arbitration. There are about one hundred and forty-two such acts, twenty-three of which are concerned with State boards of arbitration.

In the line of State socialism we find very few. Agricultural experiment stations are established at the State expense. Agricultural lectures in the West, evening lectures, with stereopticon accompaniment, to industrial laborers in the East, are also provided for, as well as local libraries and trade schools. This is well enough. Then there are farmers' institutes, with appropriations, bounties upon the heads of no end of noxious animals (gophers, wolves, foxes, English sparrows, squirrels, bears, hawks, gypsy moths, rattlesnakes, panthers, Mexican lions, tigers, leopards, catamounts, wildcats, lynxes, coyotes, mountain lions,

and jack rabbits!) and insects, weeds and thistles; and laws subjecting all private land to the exploitation of local irrigation companies,— all, perhaps, allowable. But then we find provisions for State aid to the following classes of people: needy farmers in regions affected by drouth, fire sufferers, and flood sufferers; also appropriations for seed-grain, potatoes, or the seed of any crop; bonds issued by counties or States, or, in North Dakota, even by townships, to purchase seed for farmers. State bounties for production are also beginning to make their appearance. Among the articles so far favored are beet-root sugar, canaigre leather, potato starch, silk cocoons, binding twine, spinning fibres, sorghum, and chiccory. The State of Nebraska has, however, given up the silk industry as a bad job, and last May passed an act authorizing the executive to sell the plant already established for what it might be worth, or to give it to the United States government — provided it would agree to run it — while the State-paid specialists on silk, who were to learn the business, and give free education to others, have, apparently, "lost their job." All this would seem to be in the nature of class legislation, or engaging the State in private business. And, lastly, we are beginning to have employment bureaus run by the State, whose duty it shall be to furnish the unemployed with employment. Such bills have been proposed in several States; but only in Montana and Utah have they yet been enacted, though Massachusetts created a commission to inquire into the state of the "unemployed." Apparently, we are on the verge of a general wave of legislation, which shall throw upon the State, as a permanent duty, the question whether all its able-bodied citizens are employed at satisfactory wages, and, if not, why not; and the finding for them, or such of them as are not satisfied, positions suited to their tastes or abilities; and, if that prove impossible, creating for them some labor by "anticipation of necessary public work." To those who, with Thomas Jefferson, believe that in such sad cases the duty of the State, as such, ends with the distribution of bread *in forma pauperis*,— that is, with almshouses and asylums,— the advance is a far one, indeed. But it is reassuring to find these statutes so few in number. There are only thirty-six laws embodying a State socialistic principle passed in the whole forty-eight States and Territories in the Union in the last ten years, and these are confined to seven or eight States in the extreme West. One cannot deny, however, that they evince a

tendency to grow in number; and it is national legislation which has set the bad example, although obviously, under our constitutional government, the federal authorities may do many things — as, for instance, the establishment of bounties and the regulation of interstate commerce — which the States, under their constitutions, probably could not do.

But this is of the future. Let us return to the present. What strikes us most upon this consideration is that the charge that our laboring population are beginning to make that our courts are unfavorable to their interests, while justified by the facts upon their surface, is unsustained by a more careful study. It is our legislatures that are at fault,— our legislatures playing politics. Some of their laws are like the crude experiments of a school-boy, constructing his scheme of remedies upon a slate. Labor leaders distrust experience, socialists detest lucidity. Between the two and the desire of our temporary law-makers to appear "friendly to labor," everything "goes." But underlying all are the fundamental misconceptions of the time,—that the State, because it is a democracy, may wisely tyrannize over its members; that a government, because instituted by and for the people, has the duty of bringing dollars to their private pockets. Of the thirty-five classes of edicts alluded to in this article, perhaps a dozen are wise and proper for a free people. These will stand, while the others are winnowed away in the test.

Yet patience! They may have done us high service in the disappearing. We have been taught thereby. And, if it be a court that blows the chaff away, blame not the judiciary, our third estate, that it acts openly, American-like, man-fashion. Such civic courage in a nation is what is moral courage in an individual, and of such courage our nation stands in greatest need.

LABOR LEGISLATION THROUGHOUT THE UNITED STATES DURING THE PAST TEN YEARS, AS TREATED BY STATE AND FEDERAL COURTS.

Class of Legislation.	Number of States enacting.	Number of laws enacted.	Number of States in which laws expressly declared unconstitutional.	Number of States in which laws impliedly declared unconstitutional.	Number of States in which laws affirmed.
Restrictive.					
1. Factory Acts	30	149			
Regulation of Mines Acts	38	70	1		
2. Acts regulating Sweat-shops, Labor in Tenements, etc.	8	17	2		
3. Acts regulating Prison Labor	45	124			
4. General Act regulating the Employment of Labor	1	1			
Acts regulating or defining the Labor Contract	15	16			
5. Acts limiting the Hours of Labor of Adult Males	3	3	2	1	
Acts limiting the Hours of Labor of Adult Males in Absence of Contract	4	5	3		
Acts limiting the Hours of Labor of Adult Males in Special Classes of Labor	7	8	3	2	
6. Acts limiting the Hours of Labor on Public Works or for Public Contractors	11	19	2	3	
7. Acts limiting the Hours of Labor of Adult Women in Factories	16	38	1	2	1
Acts limiting the Hours of Labor of Minors in Factories	24	69			1
8. Acts limiting the Hours of Labor of Adults in Special Occupations	20	34	1	1	
Acts limiting the Hours of Labor of Women and Children in Special Occupations	15	23	1		
9. Acts limiting labor by the Educational Provisions for Schooling of Children	18	24			
10. Prohibition of Child Labor in Dangerous or Immoral Occupations	22	68			
11. Prohibition of Labor of Women of Full Age in Special Occupations	8	9	2		2
12. Regulation or Protection of Female Labor in Stores, Mills, etc.	31	34			

Class of Legislation.	Number of States enacting.	Number of laws enacted.	Number of States in which laws expressly declared unconstitutional.	Number of States in which laws impliedly declared unconstitutional.	Number of States in which laws affirmed.
Laws declaring Right of Women to exercise All Trades	3	3			
13. Acts regulating Period of Payment of Wages	18	43	6	9	3
14. Acts regulating Currency of Wage Payment	21	58	6	10	1
15. Acts forbidding Truck Stores	16	17	4	11	
16. Acts prescribing Time for Notice of Discharge	9	10	1	2	
17. Acts Prohibiting Fines by Employers for Bad Work, etc.	2	5	1		1
18. Acts regulating Piece-work, Screen Laws in Mines, etc.	13	16	4	8	
19. Laws prohibiting Discharge of Union Men, etc.	12	14	1	4	
20. Laws giving Property Right in Union Labels	28	37			
21. Laws forbidding Guarantee and Insurance Funds	4	4	3		
Laws allowing Guarantee and Insurance Funds	2	2			
22. Strikes made Penal in Special Occupations, etc.	12	12			
23. Prohibition of Pinkerton Men, Private Watchmen, etc.	2	2		2	
24. Laws giving Industrial Labor Special Privileges, as (1) by Special Liens (estimated)	48*	300			
25. (2) By requiring Bonds from Railroads, Head Contractors, etc. (estimated)	10	15			
26. (3) Laws enlarging Employer's Liability (estimated)	20	40			
27. (4) Laws giving Preference to Debts due Industrial Laborers (estimated)	46	80			
28. (5) Exempting Wages of Industrial Labor from Execution, Attachment, prohibiting Assignments, etc. (estimated)	48	80			
29. (6) Claims against Industrial Laborers not to be assigned to Person out of State	3	4		2	
30. (7) Laws providing Special Attorneys' Fees, Precedence on Court Calendar, Relieving from Bonds for Costs, etc., in Suits for Wages	10	11	2	2	1

* States and Territories.

Class of Legislation.	Number of States enacting.	Number of laws enacted.	Number of States in which laws expressly declared unconstitutional.	Number of States in which laws impliedly declared unconstitutional.	Number of States in which laws affirmed.
31. (8) Laws repealing All Exemptions of Property from Execution, Attachment, etc., as against Labor Debts	8	10			
32. (9) Laws imposing Personal Liability upon Corporate Stockholders for Labor Debts	9	12			
33. Laws prohibiting Extortion from Wage-earners, giving Special Rates for Farm Products or the Transportation of Owners on Railways, exempting Labor or Agricultural Products from Anti-trust Legislation, etc.	8	10	1	1	
34. Laws against Alien Labor, prohibiting Employment by Corporations or on Public Works, or by Contract made out of a State, etc.	11	15	5	4	
35. Laws specially protecting Political Rights of Industrial Laborers, Voting, Candidates for Office, etc.	23	29			
	702	1,550	52	64	10

Total number of classes or kinds of legislation essayed 35
Average number of States enacting one or more laws in each class . . . 20
Number of classes in which a law has in some State been held unconstitutional 21

Class of Legislation.	Number of States enacting.	Number of laws enacted.	Number of States in which laws expressly declared unconstitutional.	Number of States in which laws impliedly declared unconstitutional.	Number of States in which laws affirmed.
Emancipative or Protective.					
Threats, coercion, intimidation, etc., forbidden	21	24			
Wages not to be fixed by law	1	1			
Strikes, picketing, etc., declared lawful, by change in conspiracy law or express statute	11	16			
Boycotting forbidden, etc.	9	11			
Blacklisting forbidden, etc.	21	23	1		
Trusts, laws against	22	24			
	85	99	1		
Constructive.					
Enforcement of the labor contract by penalty, etc.	7	7			
Acts chartering labor unions, etc.	40	100			
State printers, etc., to employ union labor	2	2			
Arbitration, State Boards of, established	20	23			
Private Arbitration, State Boards of, provided for	10	10			
	79	142			
Socialistic.					
Class appropriations (seed-grain, etc.)	7	14			
Bounties, etc., for private producers	8	12			
State industries established					
State bureaus, employment, etc.	3	4			
Wages fixed, protected, etc., by law	2	2			
Free lectures, instruction, etc., in special industries	2	2			
	22	34			

2. HOW FAR MAY WE ABOLISH THE PRISONS?

BY W. M. F. ROUND, OF NEW YORK.

[Read Thursday morning.]

Since the earliest dawn of civilization, the problem of the bestowal of prisoners has been a perplexing one. When prisoners were held for a ransom, or were of great value on account of the possession of state secrets, or when religious hatred was gratified by a prisoner's sufferings, the dominant idea as to their keeping was safety and seclusion, under conditions that would either produce death or make death a desirable release. Dungeons, underground, damp, dark, noisome, or chambers high in battlemented towers, with smallest heavy-barred openings, or even pits sunken in the earth and barred across the top, fulfilled every requirement of safety, and sufficiently gratified any desire for revenge.

As civilization advanced, it dawned upon the minds of those who held wards of the community that these wards might have rights that should be respected, and that they might also be made profitable to the State, to the extent, at least, of earning a part of their keeping. This foolish idea, that it was not a luxury and duty to support prisoners in idleness, has, in its development, brought upon us the whole intricate prison-labor problem. It opened the prison doors to the walking delegate.

Prisoners multiplied as communities grew, and crimes multiplied as legislation progressed. Wherever there was a high civilization and a thickly populated country, wherever cities were built, wherever commerce and industry thrived, there grew up great establishments for the keeping of criminals. But for many years the mediæval idea of the safe keeping of the prisoner, and that alone, prevailed. If he could be made to earn his living, it was a mere incident. It never occurred to legislators of those days that he had a right to earn his living, and that the public had a right to demand that he should earn it. A class, known as the criminal class, was created and fostered, branded and made

helpless for other conditions of life, by the associations and conditions of prison life.

As the noble science of practical partisan politics was developed, the prisons gained a degree of unexpected usefulness in the multiplication of places for spoilsmen; and their showing of profits assumed importance out of all proportion to their intrinsic value, in the light of campaign documents.

In the mean time the criminal class increased, as was quite natural, since no effort was made to check it; and every prison became an academy of crime, and every band of prisoners a community of lawlessness. The keepers of prisons, as well they might, scorned the idea that men generally reformed under their care. "Once a criminal," — and *if only* once a criminal,— "always a criminal," was the first and foremost article of belief in the average warden's creed. No larger than 18 per cent. of reformations was ever claimed in this State (New York) for any prison under the old system, and nobody who heard that claim believed it could be substantiated.

A quarter of a century ago, when scientific penology first began to make itself felt in this country, it was generally acknowledged that our prisons were a costly failure, in that they afforded little, if any, protection from the criminal class beyond a temporary isolation. Moreover, it was generally thought that the criminal class was a class apart, that it was a hopeless class; and it was known that most of those who managed prisons were bought into political slavery by the acceptance of office and salary. Prison officers believed that it was their duty to keep the prisoners safely, make them pay roundly, and that the discipline and training of the prisoners should in no wise be allowed to interfere with the necessities, or even the conveniences, of party managers.

In our State the Superintendent of Prisons has been regarded as a subordinate of the political boss, and I do not remember a time when the corps of prison officers could not be changed at the will of the man who held the caucus wires of the dominant party.

I have not exaggerated the condition of things that prevailed, and which made so eminent a penologist as the Rev. Mr. Wines, of Illinois, conclude an address at Chicago with the words: "It is doubtful if the prisons of the country are useful to a degree commensurate with their cost. Considering the measure of protection they afford, their cost, and the problems involved, I often have the feeling that it would be better if we should abolish them altogether."

I quite agree with Mr. Wines in this feeling; and, while the way is not quite clear to abolish them altogether, we may well spend a little time in the consideration of how far they may be abolished, while there still may be maintained a proper degree of protection against criminals. I forbear using the words "criminal class," since I do not admit class distinctions that ignominiously separate law-breakers from the rights of and conditions governing their fellow-men.

Of course, the prisons cannot be abolished in any degree until provision is made for those who now occupy them. This brings us to a study of our prison population, and we must ask ourselves: first, How many are now in our prisons who might be elsewhere with advantage to the public and to themselves? and, secondly, What are the provisions that can be made for those who are to be withdrawn from our prisons and placed elsewhere? In studying this matter, the first consideration must be the safety of the public. Then the economic conditions must have an important place, and, in a Christian community, the humanitarian and philanthropic relations of any plan for the care of its wards must be kept steadily in mind.

In the United States, according to the figures of the Eleventh Census, there were, in 1890, 82,329 prisoners; and, of this number, 11,468 were to be found in the State of New York. The latter fact is specially noted, because further on in this paper several calculations will be based upon the conditions existing in this State, with which the writer is, naturally, more familiar than with others.

Let us take this census of 82,329 persons, and see if the number cannot be somewhat reduced, and the prisoners placed under conditions that will be likely to result in a removal of more than 18 per cent. from what is called the criminal class, that being, as has been stated, the largest percentage of reclamations ever claimed under the old system, which still prevails in most of the States. There are in the prisons of the country 20 children under five years of age, 26 between five and nine years of age, 635 between the ages of ten and fourteen, and 8,984 between the ages of fifteen and nineteen years, or 9,665 under the age of twenty years, most of whom are plainly amenable to reformatory influences, and who should not be in prison at all. The country does not allow the privileges of citizenship to men under twenty-one years of age, nor even the privileges of womanhood to women under eighteen. It treats all below these ages as infants; and it has no

right to admit them to the infamous count of criminality, where it denies responsibility and withholds privileges.

When the laws creating reformatories for adults have been under discussion, it has been claimed, and the claim abundantly substantiated by subsequent results, that, to the age of thirty, offenders against the laws are susceptible to influences that would educate them out of crime. No person should have the final stigma of felony put upon him till that age has been reached. If this is allowed, our prison population could be reduced by 36,053 more, who ought to be in reformatories instead of prisons. The State Reformatory at Elmira reforms more than 80 per cent. of those who are sent there. The Massachusetts Reformatory reforms quite as large a percentage, though the prisoners are of a less vicious class. If this was done, and educational reformatory influences substituted for distinctively penal measures, we should reduce our prison population by 45,718 persons, leaving but 36,611 of the 82,329 prisoners to be treated in the prisons.

We should reduce the prison population even more than this by the shortening of sentences, since the average sentence in the reformatories under the indeterminate sentence system is much shorter than in prisons where time sentences are still in vogue. In the New York State Reformatory at Elmira the average length of sentence absolutely served in the institution is 22.8 months as against an average of 4.07 years that would be served under the application of statutory specifications in regard to time sentences.

If we reduce our census of prisoners one-half by substituting reformatory treatment, and if we make a still further reduction in the length of sentences, we shall by the latter compensate for the increased cost of reformatories over ordinary State prisons, and at the same time reclaim 80 per cent. as against 18 per cent. of those who become wards of the State through criminal practices.

But there still remain 36,611 prisoners in our prisons to be disposed of otherwise, if possible.

According to the tables of the census there are 56,054 who are more or less addicted to the use of ardent spirits. Of this number, 16,053 are set down as drunkards. By this we are to understand that by the use of ardent spirits they have gradually reached the condition of enervated will, whereby there is no resistance to temptation; and gross and repeated intoxication, with powerless-

ness to resist temptation, shows as decided a mental and physical disease as exists in any insane patient. They are not sane. They are in no sense fit subjects for prison treatment, nor should they be made the victims of prison stigmata. They belong in special institutions, where they may be properly treated, and by the aid of medical science return to society as wage-earners. In several European countries a separate institution is provided for them. This large number of drunkards should not be classed with criminals; and their entire removal from penitentiaries, jails, and houses of correction, would reduce the census of criminals by some thousands. Public sentiment has already set its seal of approval on this view of the matter by the establishment of inebriate asylums in several States. These should be multiplied until our prisons of every kind are emptied of those who are there simply as drunkards. This would reduce the prison population by certainly another 3,000, who are not already included in the class of minors heretofore mentioned. The number is rather above 3,000, but that sum allows us to throw out all uncertain cases.

That there will be objections to the system of reductions I have proposed, I am well aware. The first one, already made, is that there is no reduction at all, that we simply change the name of prison or penitentiary to reformatory or asylum, that the figures I have quoted are merely a part of word jugglery, with which it is hoped that a transparent trick of statistics may not be noticed. I maintain that a reformatory is a totally different thing from a prison. It involves a radical change in substituting indefinite for time sentences, and makes the release of the prisoner dependent upon his conduct and character and his ability to support himself instead of upon the arbitrary dictum of the law as interpreted by the knowledge, the temperament, or even the mood of the judge. It makes fitness for liberation the way to release. The man is, to a great extent, the arbiter of his own term of imprisonment; and his actions determine its length instead of a single act, the heinousness of which might be variously affected by the laws of localities, the prejudices of courts and neighborhoods. There is not the same stigma attached to reformatories as to prisons.

We know this in the Relief Department of the Prison Association of New York, it being easier to place one hundred men from Elmira in employment than to place five from the State prisons or penitentiaries. The former are regarded as belonging rather to educational than to penal institutions. It is a sad fact, but never-

theless true, that, in the minds of thoughtless people the prison, and not the criminal act, puts the stigma of shame upon the offender. A "prison-bird" seems quite a different thing from a "graduate of the State reformatory."

If the premises of this paper are accepted, we have shown a possible reduction in our prison population, whereby the census is brought down to 33,600. Can we still further reduce it with advantage to all concerned? In asking this question, we cannot do better than to look for an answer in the systems of conditional liberation, suspended sentences, probation for first offenders, release on parole or ticket of leave, and domiciliary imprisonment.

Let us take these up in the order that I have named them. In the matter of conditional liberation, it is interesting to study the prison population in relation to trades. We shall find that a very large percentage of those in prison have no trade in the practice of which they can earn a livelihood, and that the criminal act is often the result of inability to make a decent living at any of the ordinary occupations of life. In the Relief Department of our own and of other associations we are often struck with the fact that released prisoners do not know how to do anything well. Even the most intelligent and ambitious of them are rarely skilled laborers.

Whereas in the State of New York and in some other States the principle of the indeterminate sentence is found in the general laws, a judge might so sentence such men that on the completion of a trade a release might be granted on condition that a place had already been found for the prisoner to work, and that his freedom during the unexpired term be dependent upon the fact that he did work at his trade, and furnished to the authorities, at frequent intervals, evidence of his industry and frugality. This is precisely what is now done with Elmira men. It might equally well be done in the other prisons, but neither the judiciary of the State nor the Department of Prisons has ever looked upon indeterminate sentences with favor; and, for the ten years that such sentences were permissive, but 27 men have had the benefit of the law in that direction.

There is also in our law a discretion left with the judges whereby sentences may be suspended where the interests of society and the good of the criminal may be promoted by such suspension. The judges, however, have been timid in availing themselves of this provision, and have only exercised the right where there was a moral suretyship established by the promise of some individual or

society agreeing to "look after" the person so released. The law would become more fully operative, and become a potent means of reducing the prison population, if it provided further for systematic surveillance by proper officers, with stated reports to the court as to the condition and welfare of all against whom suspended sentences were standing. The Prison Association of New York has accepted the task of such surveillance in a number of cases, and has never had occasion to regret its having done so.

There is in New Zealand a system whereby any person found guilty of a crime may be released on a stated suretyship in money, together with a pledge of two responsible citizens that they will look after and promote the interests of the prisoner. Only a few of the most heinous crimes stand in the way of release to any man found guilty in a first offence.

Hundreds of penitent offenders, who would otherwise be filling the prisons, are living industrious lives outside, under the fostering interest and guidance of those whose experiences of life have been more reputable and more fortunate. I regret exceedingly that I have not the figures at hand that show the actual working of the New Zealand system. An enthusiastic penologist borrowed my copy of the New Zealand report, and omitted the formality of returning it. In a conversation with the chief justice of a neighboring county to that just named I was informed that there was justification of the leniency of the law in about four-fifths of the cases. In any event, the State was practically insured from harm; and then, a chance having been given a man, he could be sent to prison without further trial if he failed to take advantage of it.

In the Italian penal code, one of the tersest in the world, there is a provision whereby women and minors, guilty of certain kinds of misdemeanors, are sentenced to their own homes. The plan works so well that there is a likelihood of its application to older offenders, such particularly as ply a handicraft in their own homes. I can see no reason why it should not be adopted in our own country. Its advantages are manifest.

Let us suppose a woman of the tenement-house class develops shrewish propensities, indulges in staircase battles, goes from house to house in the neighborhood, provoking quarrels and promoting fights. There are many such women. She is the mother of a family of small children who need her care. She supplements her husband's earnings by taking in washing or sewing. By and

by there is a battle of unusual ferocity. The police are summoned, and she is taken away for a year to the penitentiary. The household is broken up. The children are taken to an institution, and the husband takes to drink. Or there is a cigar-maker whose factory is his kitchen. Heated with liquor in a neighboring saloon, he has a desperate fight, and is sent off to prison. He is not allowed by the labor agitators to earn his own living there, much less to send surplus earnings to his family. The wife is unable to keep the family together, the household goods are sold, and there is a home the less in the city. When he leaves prison, he has no place to go to. Stigmatized as he is, he loses heart, and becomes a fixture in the class where the law has placed him.

Of the 86,000 prisoners in the country, there are at least 5,000 who would have been better off themselves, and done better for the community, if they had been sentenced to their own houses instead of the penal establishments. Of course there is some trouble and expense in the way of surveillance, but not so much as would be anticipated, since those who violate the conditions of their domiciliary sentence are obliged to serve out the full time of their sentence at hard labor in a prison. It may be said that under cover of the night there would be removals from one State to another. This danger is guarded against by the provisions made by law, as touching escaped prisoners,— one of the few complications in interstate relations that has been pretty generally agreed upon and settled. If by any chance any prisoner sentenced to his home should escape the mild surveillance of the police and get out of the country, we should have to get on as best we could without him. I look forward to the day when there will be a very general adoption of the principle involved in domiciliary imprisonment. There are hundreds of men in our penitentiaries and prisons who could, under proper restrictions, do better service outside. Take some of our defaulting clerks and bank officers. Released under proper sureties, there is no one who could so well straighten out their own involved accounts or help more efficiently in the rescue of properties that have passed through their hands. Deprived of citizenship, having been exposed and suffered disgrace, and prohibited from entering upon any business involving pecuniary responsibility, a man has suffered as much as the most hardened advocate of retributive justice could wish. Freed on parole, subject to constant surveillance, his life is one of daily suffering, such as it would not

be in the comparative seclusion of a prison. This condition of suffering is one inherent in the situation, and not placed there for the sake of revenge.

In this brief paper I have purposely omitted all concern with the matter of retribution or vengeance. I cannot, indeed, understand the arrogance of any soul who would assume a prerogative of divinity without the wisdom of divinity, and take a responsibility of judgment which God declares belongs to himself alone. For severe and exemplary punishments there has been to my mind but one excuse, that of deterrence. Now that penology has become a science, with methods and statistics of its own, this excuse has been proved an unworthy one, since cruel and extreme punishments are shown to have little or no deterrent effect.

Another potent agency in reducing our prison census is to be found in the thorough, the unflinching application of anthropometric identification,— making it a part of an international law, whereby a criminal who has served a term in any penal establishment in the civilized world may be at once recognized if he is again arrested, and his biography be made a standard upon which his character may be judged and upon which his treatment shall be based. This, indeed, would have a deterrent effect. The Bertillon system has, to a great extent, driven criminals from the countries where it is in vogue,— France and Belgium,— and has greatly reduced crime. A man is far less likely to commit a crime for the second time when he is positively sure that he will be recognized and judged and punished as an old offender. The Bertillon system is not complex, and it is sure. The mathematical certainty of identification is as 1,300,000,000 to 1.

One might go on at great length showing how our prisons might be further emptied by remedying defects in our educational system, by putting greater stress and more definite duties upon parental responsibility. But these are indirect influences. It is enough for me here to show what is my honest belief,— that we can reduce our prison census, and reduce the necessity of prisons, at least 50 per cent., by a rigid application of the following principles.

1. The reformatory treatment of all whom penal science agrees are amenable to reformation; by removing all minors from the penal establishments and placing them in educational institutions.

2. By the removal of drunkards to asylums.

3. By the substitution of conditional liberation in its forms of

parole, ticket-of-leave, probation, domiciliary imprisonment, etc., for definite periods of servitude in establishments.

To conclude, I am fully convinced that, with the depressing effect on character that inheres in ordinary prison methods, with the ties of criminal association formed in the prisons, the difficulties that meet discharged prisoners in reinstating themselves in society, and considering the great cost at which penal establishments are maintained, the community would not be greatly harmed if a selection numbering many thousands of the prison population was turned loose to-day, without other conditions than the ordinary restraints of society.

I look forward to the day when prisons shall be maintained for incorrigibles only, and that, while no effort is spared to reform all who are reasonably amenable to reformation, no severity shall be too great for those who persist in criminal acts and in whom criminal character is fixed.

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CONTAINING THE

PROCEEDINGS OF THE AMERICAN ASSOCIATION.

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SARATOGA PAPERS OF 1898.

PAPERS READ IN THE DEPARTMENTS OF EDUCATION, HEALTH, JURISPRUDENCE, FINANCE, AND SOCIAL ECONOMY,

WITH STENOGRAPHIC NOTES OF DEBATES.

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Rev. FREDERICK STANLEY ROOT, M.A.

GENERAL SECRETARY OF THE ASSOCIATION, 129 EAST 15TH STREET

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CONTENTS OF JOURNAL NO. XXXVI.

PAGE

INTRODUCTION v
BUSINESS OF 1898 . . . . . vi–vii
MEMBERS OF THE ASSOCIATION viii
CONSTITUTION AND LIST OF OFFICERS AND MEMBERS . . . . . ix–xix
LIST OF PUBLICATIONS . . . . . xx–xxv
GENERAL MEETING OF 1898 . . . . . xxvi–xxviii
IN MEMORY OF REV. HEMAN LINCOLN WAYLAND, D.D. . . . . xxix–xxxi
ERRATUM xxxii
1. HISTORY OF AMERICAN MORALS. HON. S. E. BALDWIN, LL.D. 1–55
2. REPORT OF THE GENERAL SECRETARY, FREDERICK STANLEY ROOT 56–63

I. PAPERS OF THE DEPARTMENT OF EDUCATION AND ART . . 64–127
1. REMARKS BY THE CHAIRMAN, REV. JOSEPH ANDERSON, D.D. 64–67
2. THE SHORT DURATION OF SCHOOL ATTENDANCE: ITS CAUSES AND REMEDIES. MRS. DANIEL FOLKMAR . . 68–81
3. THE EDUCATIONAL VALUE OF THE POPULAR LECTURE. DR. HENRY M. LEIPZIGER. 82–89
DISCUSSION OF PRECEDING PAPERS 89–92
4. USES OF HIGHER EDUCATION. HON. WILLIAM T. HARRIS, LL.D. 93–104
5. THE INFLUENCE OF ART UPON EDUCATION. PROF. GEORGE L. RAYMOND, L.H.D. 105–127

II. PAPERS OF THE DEPARTMENTS OF FINANCE AND SOCIAL ECONOMY 128–185
1. CO-OPERATIVE BANKING IN THE UNITED STATES. HON. F. B. SANBORN. 128–133
2. THE GEORGE JUNIOR REPUBLIC. MR. THOMAS M. OSBORNE 134–138
3. PLAYGROUNDS, BATHS, AND GYMNASIA. HON. JOSIAH QUINCY. 139–147

PAGE

4. The Proposed Anglo-American Alliance. Charles A. Gardiner, Ph.D. 148–163
5. War Financiering. Hon. Frank A. Vanderlip . . 164–177
Discussion of the Above. Opened by Prof. Charles H. Hull 177–185

III. Papers of the Department of Jurisprudence 186–237
1. Abstract of Address by Chairman. Prof. Francis Wayland, LL.D. 186
2. Can International Disputes be Judicially Determined? Prof. Isaac F. Russell, D.C.L. 187–195
3. American Marriages and Divorces before Canadian Tribunals. Eugene Lafleur, of the Montreal Bar 196–211
4. Obligations of the State to Public Education. Hon. Charles B. Hubbell 212–219
Discussion of Preceding Papers 219–221
5. Medical and Other Experts. St. Clair McKelway, LL.D. 222–237

IV. Department of Health 238–256
1. Health in Camps. Elmer Lee, M.D. 238–245
2. Filtration of Municipal Water Supplies. Chancellor W. J. Holland, LL.D. 246–256

Appendix 257–263
1. Care of Deaf-mutes in Denmark. Holger Mygind, M.D. 257–259
2. Sociology as based on Anthropology. Prof. Daniel Folkmar 260–263

INTRODUCTION.

The papers included in this number of the *Journal of Social Science* comprise nearly all of the Saratoga addresses of 1898. The debates, which followed the reading of papers, are stenographically reported; but, owing to the large amount of matter thus supplied to the editor, a considerable reduction in quantity was necessitated by the space limitations of the present volume. The reports of discussions as they came from the stenographer were continuous, as if belonging to a single session. This involved a re-arrangement of the whole and a distribution of parts to follow individual essays,—an undertaking attended by much perplexity. However, in view of the fact that each stenographic record of importance, where exact phraseology is vital to the correct interpretation of the writer's meaning, was submitted to the author for revision, the essential integrity of his utterance is assured.

It may be well in this place to remind essayists once more of the *invariable rule* of the Association, that all papers engaged for the General Meeting are so secured with the understanding that they may be published in the *Journal* if deemed advisable. The members of the Council, however, are not pledged in advance to the publication of any particular paper. If writers choose to publish elsewhere, it must be with the stipulation that their papers may also be printed in the *Journal*, at the option of the Council as to date of publication. Heads of Departments are not solicitous to secure essays which, in general form and substance, have been read elsewhere before presentation at Saratoga.

A list of all addresses and papers will be found in the Table of Contents on page iii.

BUSINESS OF 1898.

The American Social Science Association held its Thirty-sixth Annual Meeting at Saratoga, beginning Monday evening, August 29, and closing with the session of Friday morning, September 2. The proceedings of the various Departments were conducted in the old Court of Appeals Room, Town Hall, and sustained the usual high Association standard of expert discussion of topics of vital and abiding interest. During three days of most exceptional heat the audiences were above the average in point of numbers, and the effort made this year to afford greater opportunities for free extempore debate bore fruit in quickening the mental alertness and attentiveness of listeners. The opening address of President Baldwin, on the "History of American Morals," covered a wide range of acute and pertinent observation upon what might be termed the evolutional ethics of a nation; and the papers of other notable speakers profoundly summarized the trend of modern thought in Art, Education, Sociology, Jurisprudence, and Sanitation. The address of the General Secretary emphasized the necessity of larger extension of Association work through individual devotion to the interests of the society, and several methods were suggested by which this result might be achieved. He reported a gain of one hundred and forty-five new members during the year, many of whom are men eminent in literary, musical, and artistic pursuits. Perhaps the most significant vote of the Association was the adoption of a resolution recognizing, with warm approval, the act of the Czar of Russia in proposing the virtual disarmament of the nations of the Old World. On motion of Hon. St. Clair McKelway, of the Brooklyn *Eagle*, the following message was enthusiastically indorsed as expressive of the sympathy of the Association with this most pacific overture; and in the form of a cablegram the message was at once transmitted to the Czar, reading as follows: —

To the Czar of Russia:

The American Social Science Association unanimously hails the lofty purpose of your overture for a better understanding among nations, and for better economic conditions for their peoples, and confides in its eventual success.

On Monday evening, August 29, a Nominating Committee was appointed to bring in a list of officers for the ensuing year. That committee consisted of Dean Wayland, Dr. Edward Eggleston, and Mr. W. A. Giles. At a subsequent meeting of the Association the list of officers, as reported by the committee, was adopted; and the names may be found on a succeeding page of the Journal.

On Friday morning Dr. H. Holbrook Curtis, of New York, offered the following resolution: —

Resolved, That the congratulations of the American Social Science Association be extended to Major and Chief Surgeon William H. Daly, Chairman of the Health Section, in recognition of his patriotism and in appreciation of the executive capacity he has shown in the administration of his department while serving upon the staff of General Nelson A. Miles during the recent war.

This resolution was unanimously adopted.

The regular midsummer meeting of the General Council was held at four o'clock, Thursday afternoon, in one of the parlors of the United States Hotel. In attendance were President Baldwin, Rev. Joseph Anderson, D.D., Mr. T. M. North, Dean Wayland, Professor J. W. Jenks, Hon. F. B. Sanborn, Mr. Edward T. Potter, Mr. E. H. Avery, and the General Secretary.

Dean Wayland moved that the next annual meeting of the Association be held, as usual, at Saratoga. The motion was referred to a special committee, consisting of Messrs. Wayland, Sanborn, and Jenks, with instructions to report at the winter session of the Council. It was also

Voted, That a sufficient number of copies of the Journal be bound in cloth for distribution among the members of the Association, and in addition thereto one hundred extra numbers.

The General Secretary was further directed to supply to any speaker before the Association, whose essay is published, twenty-five reprints, and as many more copies as such essayist may choose to pay for at the cost of printing.

Although no motion was deemed necessary, it was also understood that essayists should receive each two copies of the Journal.

The Council then adjourned without date.

FREDERICK STANLEY ROOT,
General Secretary.

MEMBERS OF THE ASSOCIATION.

All officers are *ex-officio* members of the Association; but persons serving on the Department Committees may or may not be members of the Association. In view of the fact that Department Committees are greatly in need of reorganization upon a basis of *active participation* in the work of the Association, the General Secretary deems it wise to omit the list until such organization is effected. This, of course, is exclusive of Heads of Departments whose names appear in the list of the officers of the Association.

In the list herewith submitted the annual and life members are given alphabetically, and the honorary and corresponding members according to nationality. The only distinction between honorary and corresponding members is that the former reside in the United States, and the latter in foreign countries. According to a minute enacted by the General Council, Dec. 17, 1897, the name of any member who has not paid his dues for the three calendar years next preceding the date adopted — March 1, 1898 — shall be stricken from the rolls. It was also voted at this meeting that the Journal of the Association shall not be sent to any member who has not paid his dues for the year in which the convention is held which is reported in the Journal. It was subsequently voted at a council meeting held in Woodmont, Conn., July 6, 1898, that the General Secretary be permitted to use his discretion in carrying into effect these resolutions.

CONSTITUTION,

LIST OF OFFICERS, MEMBERS, ETC.,

OF THE

American Social Science Association

DECEMBER 15, 1898.

CONSTITUTION.

I. This Society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its object shall be classified in five departments: the first, of Education and Art; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many honorary Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. *The Council shall consist of President, Treasurer, and Secretary, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-laws.* The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence a Director, shall be Chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And, whenever a Local Department shall be organized and recognized as such by the Council, its Chairman shall become *ex officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Any person, upon nomination by the Council, may become a member by paying five dollars, and may continue a member by paying annually such further sum as may be fixed at the Annual Meeting, not exceeding ten dollars. On payment of one hundred dollars, any person may become a life member exempt from assessments. Honorary and corresponding members may be elected, and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendment.

American Social Science Association.

(Founded in 1865.)

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1898-99.

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[NOTE.— The names on this list marked with a *star* are those of persons who cannot be found by post-office officials. In each case the letters were forwarded and were returned to the editor as evidence of the inability of the authorities to find the person to whom communications were addressed.]

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LIST OF ANNUAL MEMBERS DEC 1, 1898.

[NOTE.— In arranging the subjoined list of Annual Members, it has been deemed best to omit street and number until a thorough revision has been completed in these particulars. Such addresses as are known can only be chiefly useful to the Treasurer and General Secretary, and to the publisher for distribution of Journal. Meanwhile the Editor earnestly reiterates his request of a year ago that members will *promptly* report any deaths coming to their knowledge. He would also emphasize the fact that all resignations from the society should be *immediately* communicated to him, as well as removals from one city or town to another, with change of street or number. This is *imperative*, if the difficult task of revision is to be effected. All data of this description must be sent to the General Secretary, 129 E. 15th St., New York City.]

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CONTENTS OF NUMBER TWENTY-TWO. — Conference of Alienists. Business and Debates of 1886. Notice of Deceased Members. I. Papers of the Department of Education: 1. The Definition of Social Science and its Classification — W. T. Harris. 2. Social Science Instruction in Colleges — Mrs. Emily Talbot and W. T. Harris. 3. Popular Instruction in Social Science — Carroll D. Wright. II. Papers of the Department of Health. 1. The Nervousness of Americans — Grace Peckham, M.D. 2. Mineral Waters of America and Europe — T. M. Coan, M.D. 3. Rabies and How to Prevent it — Valentine Mott, M.D. 4. Noses — H. Holbrook Curtis, M.D. 5. The Science of Dietetics — Wallace Wood, M.D. III. Papers of the Social Economy Department: 1. Address of the Chairman: Labor and Capital — F. B. Sanborn. 2. Property — Thomas Davidson. 3. Letters of Dr. Abbott and Dr. Wayland. 4. The Right of Property in Land — W. T. Harris, LL.D. IV. Papers of the Jurisprudence Department. 1. Postal Savings Banks — Dr. H. L. Wayland. 2. How to deal with Habitual Criminals — Professor S. E. Baldwin.

CONTENTS OF NUMBER TWENTY-THREE.— Business and Debates of 1887. Address of the President: Problems of the Census — Carroll D. Wright. I. Papers of the Social Economy Department: 1. Address of the Chairman — F. B. Sanborn. 2. Profit Sharing as a Method of Remunerating Labor — F. J. Kingsbury. 3. Alfred Dolge and his Experiments — A. Dolge and Ernest Richard. 4. Profit Sharing Historically and Theoretically Considered — G. M. Powell. 5. Labor Organizations — J. G. Brooks. 6. Woman and the Temperance Question — Frances E. Willard. II. Papers of the Jurisprudence Department: 1. The American System of Trial by Jury — D. H. Chamberlain. 2. The Law's Uncertainty — Thomas Thatcher. 3. The Incorrigible — Francis Wayland. 4. Private Corporations and the State — H. A. James. 5. Social Science in the Law of Moses — H. L. Wayland.

CONTENTS OF NUMBER TWENTY-FOUR.— Introductory. Committee on Provident Institutions. Constitution, List of Members, etc. I. Papers of the Health Department: 1. Relation of the Physician to the Community, and of the Community to the Physician — Grace Peckham, M.D. 2. The Function of the Lungs — D. Emery Holman, M.D. 3. Certain Injurious Influences of City Life and their Removal — Walter B. Platt, M.D. 4. The Criminal Type — William Noyes, M.D. 5. Immigration and Nervous Diseases — C. L. Dana, M.D., with Discussion. II. Papers of the Education Department: 1. The Opportunities of America — F. B. Sanborn. 2. Address — T. W. Higginson. 3. Pedagogy in American Colleges — Professor E. J. James. 4. The Education of Women — Arthur Gilman.

CONTENTS OF NUMBER TWENTY-FIVE.— General Meeting of 1888. President Adams on Higher Education. I. The Growth and Purposes of Bureaus of Statistics of Labor — Address of the President, Carroll D. Wright. II. Papers and Debates of the Department of Health: 1. Address on Requirements for a Medical Degree — Dr. H. H. Curtis. 2. How Far can Legislation aid in Maintaining a Proper Standard of Medical Education? — W. A. Purrington. 3. The Value of a Liberal Education Antecedent to the Study of Medicine — Sylvester F. Scovel. Remarks of Dr. Grace Peckham. 4. Unsanitary Conditions in Country Homes — Dr. Lucy M. Hall. 5. The Working-women of New York: Their Health and Occupations — Elizabeth Stow Brown, M.D. 6. The Struggle for Subsistence: How can it be most Efficiently Aided? — Henry Dwight Chapin, M.D. III. Papers of the Finance and Social Economy Departments: 1. Address of the Chairman — F. B. Sanborn. 2. Savings Banks in the United States — John P. Townsend. 3. Co-operative Building Associations. Report of the Special Committee. 4. Report on Savings Banks and Building Associations of Illinois — Professor J. W. Jenks. 5. Co-operative Building and Loan Associations in the State of New York — Seymour Dexter, Esq. 6. The Dangerous Side of Building Associations — Mr. C. F. Southard. 7. Notes on Provident Institutions in Arkansas, Tennessee, and Texas — Professor Robert T. Hill. 8. Life Insurance — Report of the Committee. Hebrew Provident Institutions. 9. The Early History of School Savings Banks in the United States — J. H. Thiry.

CONTENTS OF NUMBER TWENTY-SIX.— General Meeting of 1889. Report of J. P. Townsend, Secretary. Constitution, List of Members and Publications, etc. I. Papers of the Jurisprudence Department: 1. The Economic Law of Monopoly — President E. B. Andrews. 2. Constitutional Guarantees of the Right of Property — George Hoadly. 3. Education as a Cure for Crime — S. T. Dutton 4 Immigration and Crime — W. M. F. Round. 5. The Dead Hand — Dr. H. L. Wayland. II. Papers of the Education Department: 1. Industrial Training of the Defective Classes. Discussion by President Gallaudet, General Brinkerhoff, Dr. Bryce, F. B. Sanborn, Miss Alice Cooke, etc. 2. Popular Fallacies concerning the Insane — Dr. Pliny Earle. III. Papers of the Social Economy Department: 1. Report on Co-operative Building and Loan Associations. 2. Socialism in England — Percival Chubb.

CONTENTS OF NUMBER TWENTY-SEVEN.— General Meeting of 1890. Constitution, List of Members, etc. The Third Estate of the South — Rev. A. D. Mayo. The Single Tax Debate — Remarks by Samuel B. Clarke, Professor Thomas Davidson, W. L. Garrison, Professor John B. Clark, President E. B. Andrews, Professor E. R. A. Seligman, Louis F. Post, Edward Atkinson, Henry George, Professor W. T. Harris, and James R. Carret.

CONTENTS OF NUMBER TWENTY-EIGHT.— General Meeting of 1891. M. Levasseur on Malthus. The Late Rufus King. President White's Addresses. I. Papers of the Social Economy Department: 1. Labor Organizations — S. M. Hotchkiss. 2. Trades-unions — S. Gompers. 3. Trades-unions and Wages — Prof. J. W. Jenks. 4. Shoemaking in Connecticut — F. J. Kingsbury. 5. Arbitration, Voluntary and Compulsory — Mrs. C R. Lowell. 6. Compulsory Arbitration — Seymour Dexter. 7. Social Side of Unions — George Gunton. 8. Trades-unions and Apprentices — E. W. Bemis. II. Miscellaneous Papers: 1. Treatment of Hydrophobia — Dr Paul Gibier. 2. The Silver Question — J. D. Warner. 3. Reform of the Civil Service — W. D. Foulke.

CONTENTS OF NUMBER TWENTY-NINE.— Introduction. The General Meeting of 1892. The Late Dr. Pliny Earle. I. Summer Camps for Boys — Dr. W. T. Talbot. II. The New York City Health Department — Dr. Cyrus Edson. III. The Tenement House: Its Influence upon the Child — Dr. Mary E. Herrick. IV. The Progress of the Financial Credit of the Government of the United States — Joseph T. Brown. V. Aids in the Study of Social Science — F. B. Sanborn. VI. The Care of Epileptics — Dr. Frederick Peterson.

CONTENTS OF NUMBER THIRTY.— President Wayland's Address. General Meeting of 1892. Obituary Notices: Sir Daniel Wilson — Mrs. C. H. Dall. George William Curtis — F. B. Sanborn. I. Miscellaneous Papers: Social Science in the Nineteenth Century — F. B. Sanborn. Art Education in American Life — Miss M. B. Martin. Commitment of the Insane

in New York City — Dr. M. D. Field. County Jails as Reformatory Institutions — E. B. Merrill. American Childhood from a Medical Standpoint — Dr. H. L. Taylor. II. Papers of the Social Economy Department: 1. Sweating in Germany — Rev. J. G. Brooks. 2. The Sweating System in the United Kingdom — D. F. Schloss. 3. Conditions of the Labor of Women and Children in New York — Dr. Anna S. Daniel. 4. The Sweating System in Massachusetts — H. G. Wadlin. 5. Tenement-house Workers in Boston — W. F. Hicks. 6. The Sweating System in General — Joseph Lee. 7. Legislation. — Appendix — Joseph Lee. The Great Coal Combination and the Reading Leases — C. L. Munson. Publications of the American Social Science Association.

CONTENTS OF NUMBER THIRTY-ONE. — Order of Business, Saratoga Meeting of 1893. George William Curtis: A Tribute — Edward B. Merrill. Socialism and Social Science: A Report — F. B. Sanborn. Recent Progress in Medicine and Surgery — Frederick Peterson, M.D. Debate on Myxoidema. Compulsory Arbitration — H. L. Wayland, D.D. I. Papers of the Finance Department: 1. Three Factors of Wealth — F. J. Kingsbury. 2. Bimetallism or the Double Standard — J. L. Greene. 3. Present Status of Silver — Dr. C. B. Spahr. Speech of Secretary Carlisle. II. Papers of the Social Economy Department: 1. Phases of Social Economy — F. B. Sanborn. 2. Mutual Benefit Societies in Connecticut — S. M. Hotchkiss. 3. The Sweating System in 1893. III. Papers of the Jurisprudence Department: 1. Reformation or Retribution? — Eugene Smith. 2. A Reply to Mr. Smith James McKeen. 3. Modern Methods with Criminals — C. A. Collin. IV. The Education of Epileptics — Dr. L. F. Bryson Note on the Sweating System. Constitution, List of Officers, Members, and Publications.

CONTENTS OF NUMBER THIRTY-TWO. — Order of Business, Saratoga Meeting of 1894. The Reign of Law — President Kingsbury. Present Aspect of the Silver Problem — Prof. Jenks. I. Papers of the Social Economy Department: Relief of the Unemployed: Reports. II. Papers of the Jurisprudence Department: 1. The Elmira System — C. D. Warner. 2. Mobs and Lynching — G. C. Holt. 3. State Surgery — Rev. Dr. Wayland. III. Papers of the Health Department: 1. International Sanitary Conferences — Dr. S. Smith. 2. Newspaper Work for Women — Mrs. Welch IV. Papers of the Education Department: 1. English as a Universal Language — D. G. Porter. 2. Higher Education in Greece — Prof. D. Quinn. 3. The Place of Social Philosophy — Prof. G. G. Wilson. 4. Relation of Sociology to Scientific Studies — Prof. F. H. Giddings. 5. Practical Instruction in Civics — Prof. J. Macy. 6. Possibilities of Social Amelioration — Prof. J. J. McCook. Constitution, List of Officers, Members, and Publications.

CONTENTS OF NUMBER THIRTY-THREE. — Order of Business, 1895. The Silver Debate. Life in Cities — President Kingsbury. Society and Socialism — F. B. Sanborn. Naval Education — C. F. Goodrich. Debate on Free Coinage of Silver — A. J. Warner, J. Patterson, J. Sheldon, R. G. Horr, A. B. Woodford, M. D. Harter, A. Higgins, A. P. Stokes. A Mexican Lawsuit — W. S. Logan. Mexican Affairs — Señor Romero. Education at the South — Dr. J. A. Dreher. Trade Schools — J. Lee. The Swiss Referendum — E. V. Raynolds.

CONTENTS OF NUMBER THIRTY-FOUR. — Order of Business, 1896. Constitution and List of Officers and Members. President's Address — F. J. Kingsbury. I. Papers of Education Department: 1. Duty of Higher Education — Prof. Daniel Quinn. 2. Industrial Education in Old and New England — S. N. D. North. 3. The Working Boy — Mrs. Florence Kelley, of Hull House. 4. Relation of Education to Vocation — S. T. Dutton. 5. Debate on the Trade-school Papers: Mr. Brockway's Results; Mr. Lee's Remarks. Instruction of the Colored Citizens: 6. Higher Education of the Colored People — H. L. Wayland. 7. Remarks of Gen. T. J. Morgan; Remarks of Prof. Silas Floyd; Remarks of Mr. B. T. Washington; Remarks of Mr. Hugh Brown. II. Papers of the Jurisprudence Department: 1. International Justice — David Jayne Hill. 2. Legislation and Jurisprudence — J. Warren Greene. 3. Modern Municipal Reform — St. Clair McKelway. III. Papers of the Finance Department: 1. Fallacies of Industrial Statistics — S. N. D. North. 2. Municipal Enterprises for Profit — Prof. S. M. Lindsay. 3. Economic Productivity of Municipal Enterprises — Prof. W. F. Willcox. 4. Problems of Municipal Government — Prof. J. H. Gray.

CONTENTS OF NUMBER THIRTY-FIVE. — Order of Business, 1897. Constitution and List of Officers and Members. Adress by Hon. S. E. Baldwin on Absolute Power an American Institution. Report of General Secretary, F. B. Sanborn. Address by Prof. J. W. Jenks, of Cornell University, on Causes of the Fall in Prices since 1872. Address by F. B. Sanborn on Progress in Social Economy since 1874. Report of Joseph Lee on Trade-schools. Account of George Junior Republic by Prof. Jenks. I. Papers of Education Department: 1. Remarks of Chairman — Rev. Joseph Anderson. 2. Perversion of Educational Benefactions — D. G. Porter. 3. The Educational Value of the Drama — Rev. Frederick Stanley Root. 4. A Trio of Sub-Alpine Scholars — W. D. McCrackan. II. Papers of Health Department: 1. The Insane — Dr. P. M. Wise. 2. The Epileptic — Dr. W. P. Spratling. 3. Home Care of Epileptic Children — Everett Flood, M.D. 4. The Feeble-minded — Dr. J. C. Carson. 5. The Idiotic — Dr. Charles Bernstein. 6. Insane Convicts — Dr. H. E. Allison. III. Jurisprudence Department: 1. Democracy and the Laboring Man — F. J. Stimson. 2. How far may we abolish Prisons? — W. M. F. Round.

CONTENTS OF NUMBER THIRTY-SIX. — Order of Business, 1898. Constitution and List of Officers and Members. Obituary Notice of Rev. Heman Lincoln Wayland, D.D., by Hon. F. J. Kingsbury. Address by Hon. Simeon E. Baldwin, LL.D., on The History of American Morals. Report of the General Secretary, Rev. Frederick Stanley Root. I. Papers of the

Educational and Art Departments: 1. Remarks by the Chairman — Rev. Joseph Anderson, D.D. 2. Short Duration of School Attendance: Its Causes and Remedies — Mrs. Daniel Folkmar. 3. The Educational Value of the Popular Lecture — Dr. Henry M. Leipziger. 4. The Significance of the Recent Advance in College and University Education in the United States — Hon. William T. Harris. 5. The Influence of Art upon Education — Prof. George L. Raymoud. II. Papers of the Departments of Finance and Social Economy: 1. Co-operative Banks and Building Associations; Remarks by the Chairman — Hon. F. B. Sanborn. 2. The George Junior Republic — Mr. Thomas M. Osborne. 3. The Proposed Anglo-American Alliance — Charles A. Gardiner, Ph.D. 4. School Playgrounds and Baths — Hon. Josiah Quincy. 5. War Financiering — Hon. Frank A. Vanderlip. 6. Discussion of the above topic — Prof. Charles H. Hull. III. Papers of the Jurisprudence Department: 1. Remarks by the Chairman — Dean Francis Wayland. 2. Can International Disputes be Judicially Determined? — Prof. Isaac Franklin Russell. 3. American Marriages and Divorces before Canadian Tribunals — Eugene Lafleur. 4. The Obligations of the State to Public Education — Hon. Charles Bulkley Hubbell. 5. Medical and Other Experts — Hon. St. Clair McKelway. IV. Papers of the Health Department: 1. Health in Camps — Dr. Elmer Lee. 2. The Purification of Municipal Water Supplies by Filtration — Chancellor W. J. Holland. In Appendix: Care of Deaf-mutes in Denmark — Holger Mygind, M.D. Abstract of Address on Sociology as based on Anthropology — Prof. Daniel Folkmar.

In separate pamphlets: The Single Tax Debate, 1890; Discussion of Labor Organizations, 1891; and the Sweating System, 1892; also, Relief of the Unemployed, 1894, and Pauperism and Whiskey, 1894; Free Silver Coinage, 1895.

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FRED. STANLEY ROOT,

129 E. 15th STREET, NEW YORK.

GENERAL MEETING OF 1898.

The General Meeting of the Association for 1898 was held at Saratoga, N.Y., from the 29th of August to the 2d of September, inclusive, opening at 8 P.M., August 29, with an address by the President. The report of the General Secretary followed.

The Departments of Education and Art met on August 30; the Departments of Finance and Social Economy, on Wednesday, August 31; the Department of Jurisprudence, on Thursday, September 1; and the Department of Health, on Friday morning, September 2. Business transacted on Thursday afternoon will be found recorded under the head of *Business of* 1898.

The Departments held sessions as follows: —

MONDAY, AUGUST 29.

8.00 P.M. Annual Address by the President, Hon. SIMEON E. BALDWIN, LL.D., of New Haven, Conn., on "*The History of American Morals.*"

9.00 P.M. Annual Report of the General Secretary, Rev. FREDERICK STANLEY ROOT, M.A., of New York.

Appointment of Nominating Committee.

Miscellaneous Business.

TUESDAY, AUGUST 30.

Department of Education and Art.

9.30 A.M. Remarks by the Chairman, Rev. JOSEPH ANDERSON, D.D., of Waterbury, Conn.

10.00 A.M. * A Paper by the Secretary of Department, S. T. DUTTON, of Brookline, Mass., Lecturer on Pedagogy in Harvard University, on "*By-products of Education.*"

* Paper cancelled.

10.45 A.M. A Paper by Mrs. DANIEL FOLKMAR, of Milwaukee, Wis., on "*The Short Duration of School Attendance. Its Causes and Remedies.*" (Illustrated by wall charts.)

11.30 A.M. A Paper by Dr. HENRY M. LEIPZIGER, of New York City, on "*The Educational Value of the Popular Lecture.*"

12.15 P.M. A Paper by Prof. W. F. BLACKMAN, Ph.D., of Yale University, on "*Is Society an Organism?*"

(Each of these Papers open for discussion.)

8.00 P.M. A Paper by Hon. WILLIAM T. HARRIS, LL.D., United States Commissioner of Education, on "*The Significance of the Recent Advance in College and University Education in the United States.*"

8.45 P.M. A Paper by Prof. GEORGE L. RAYMOND, L.H.D., of Princeton University, on "*The Influence of Art upon Education; Intellectual, Social, and Religious.*"

WEDNESDAY, AUGUST 31.

Departments of Finance and Social Economy.

9.00 A.M. An Address by the Chairman, Hon. F. B. SANBORN, of Concord, Mass., on "*Co-operative Banks and Building Associations.*"

9.30 A.M. A Report by the Secretary of Department, JOSEPH LEE, of Brookline, Mass., with brief Address by THOMAS M. OSBORNE, of Auburn, N.Y.

10.00 A.M. A Paper on "*The Proposed Anglo-American Alliance,*" by CHARLES A. GARDINER, of New York City.

10.30 A.M. A Paper by DANIEL FOLKMAR, of Milwaukee, Wis., on "*Sociology as based on Anthropology.*"

11.00 A.M. A Paper by Hon. JOSIAH QUINCY, Mayor of Boston, Mass., on "*School Playgrounds and Baths.*"

12.00 M. General Discussion of the Preceding Papers.

8.00 P.M. Introduction by Chairman of Finance Department, Prof. J. W. JENKS, of Cornell University.

Address on "*War Financiering*," by Hon. FRANK A. VANDERLIP, Assistant Secretary of the United States Treasury.

8.50 P.M. Discussion of the above topic. Opened by Prof. CHARLES H. HULL, of Cornell University.

THURSDAY, SEPTEMBER 1.

Department of Jurisprudence.

9.30 A.M. Opening remarks by the Chairman, Prof. FRANCIS WAYLAND, LL.D., of New Haven.

10.00 A.M. A Paper by Prof. ISAAC FRANKLIN RUSSELL, D.C.L., LL.D., of New York City, on the question, "*Can International Disputes be Judicially Determined?*"

10.45 A.M. A Paper by EUGENE LAFLEUR, Esq., of the Montreal Bar, on "*American Marriages and Divorces before Canadian Tribunals.*"

11.30 A.M. A Paper by Hon. CHARLES BULKLEY HUBBELL, of New York City, on "*The Obligations of the State to Public Education.*"

8.00 P.M. A Paper by ST. CLAIR MCKELWAY, LL.D., of Brooklyn, N.Y., on "*Medical and Other Experts.*"

FRIDAY, SEPTEMBER 2.

Department of Health.

9.30 A.M. General Session.

(*a*) Report of Nominating Committee.
(*b*) Annual Election of Officers.
(*c*) Miscellaneous Business.

Papers followed in the order named, by Dr. ELMER LEE, of New York, on "*A Study of Habits of Life and Constitution leading to Apoplexy*"; and by Dr. W. J. HOLLAND, Chancellor of Western University, Pittsburg, Pa., on "*The Purification of Municipal Water Supplies by Filtration.*"

In Memory of

REV. HEMAN LINCOLN WAYLAND, D.D.

The Rev. Heman Lincoln Wayland, D.D., President for two years of this Association, and one of its officers and efficient supporters for many years, died at Walters Park Sanitarium, Wernersville, Penn., Nov. 7, 1898.

Dr. Wayland was born at Providence, R.I., April 23, 1830. He was a son of Dr. Francis Wayland, the eminent President of Brown University, from which institution he graduated in 1849. Among his classmates were the late Benjamin F. Thurston of Rhode Island, Julian Hartridge of South Carolina, Gen. N. B. Underwood of Massachusetts, and President James B. Angell of the University of Michigan. He studied at Newton Theological Institution 1849–50, taught in the academy at Townsend, Vt., 1850–51, was a tutor at Rochester University 1852–54, pastor of the Main Street Baptist Church, Worcester, Mass., 1854–61, chaplain of the Seventh Connecticut Volunteers 1861–64, home missionary in Nashville, Tenn., 1864–65, Professor of Rhetoric and Logic in Kalamazoo College, Mich., 1865–70, President of Franklin College, Ind., 1807–72, editor of *National Baptist* 1872–94, associate editor of the *Examiner* 1894–97.

He was the author of a life of C. H. Spurgeon and, with his brother, Professor Francis Wayland, author of the Life of Francis Wayland, President of Brown University. He contributed numerous articles to various leading periodicals, and made frequent miscellaneous addresses. One of his most brilliant efforts, full of eloquence and sparkling with humor, was in response to a toast at a dinner of the New England Society in New York City, a few years ago. It was copied throughout the country, read with great interest and pleasure everywhere, and will be long remembered.

To the members of this society his presence was always a delight, and was so striking that it seems easy to make him alive again before us. His tall, spare, somewhat angular figure, his

large face, almost always brightened by a smile, his massive head, with bushy, overhanging brows, the comprehensive sweep of his long arm, were of themselves enough to make him a noticeable figure.

He was naturally a radical; but he had nothing of the violence and intensity, the prejudice and hostility, which so frequently accompany radical views. He had a hospitable mind for all shades of opinion, and an indomitable patience and good nature in meeting all kinds of arguments. He was just as fond of the men who did not agree with him as of those who did, and they had the same feeling toward him. One might differ from him greatly in his opinions and conclusions, but for the man himself there could be nothing but liking and respect. He had a most genial and effervescent humor, which cropped out constantly, lubricating dry questions, smoothing away irritating suggestions, pointing logical arguments. It was never sharp, never harsh, never in the slightest degree unkind: it was the humor which grew out of the topic and the view he took of it, and had no personal bearing.

He had a broad, capacious heart. He loved his fellow-men, and wanted to see them all happy, comfortable, good and sensible. Whatever came within his experience or notice that did not accord with these views gave him pain, and he began at once to look for a remedy. If any plan had promise in it, he at once became a friend and promoter of that plan; but, when he found, as he had to admit he frequently did, that the plan did not work, he was ready to drop it and try another. He felt that something must be done, and was willing to try anything that gave prospect of success.

Among the papers written and read by him before the Association are the following, the titles of which show his humanities and the bent of his mind: "Progressive Spelling," "The Unnamed Third Party," "Postal Savings Banks," "Social Science in the Law of Moses," "The Dead Hand," "Compulsory Arbitration," "State Surgery," "The Higher Education of the Colored People"; but there have been few subjects presented before the Association within the last ten or fifteen years which seemed to have a bearing on the welfare of man in the discussion of which he did not take an active part.

He gave his life for mankind, and he wore himself out before he had reached the period when his natural vigor should have given way. More than a year ago he began to fail. After a while he

was induced to give up work, and take a rest, which his friends confidently hoped would restore him to health. But it came too late. The silver cord was loosed, the golden bowl was broken. The dust returned to earth as it was, and the spirit to God who gave it.

Sleep, O my brother, sleep, and let thy rest
Be as thy life was, ever of the best.

FREDERICK J. KINGSBURY.

ERRATUM.

In President Baldwin's address, for "*inhabitants*"— page 20, line 14 — read "*families.*"

THE HISTORY OF AMERICAN MORALS.

BY HON. SIMEON E. BALDWIN, LL.D., OF NEW HAVEN, CONN.,
PRESIDENT OF THE ASSOCIATION.

[Read Monday evening, August 29.]

The science which it is the object of this Association to promote is one which the world has been slow to recognize. Its universality has been against it. Its want of exactness has been against it. It is unsusceptible of close methodical arrangement. Its positions and processes are empirical rather than axiomatic. "I really think that the science of society," wrote John Adams to a French correspondent in 1784, "is much behind other arts and sciences, trades and manufactures,— that the noblest of all knowledge is the least general." *

The history of society must precede the science of society, and a hundred years ago that history was almost unwritten. One branch of it, for America, is unwritten still. It is that of the rules of conduct by which from generation to generation we have governed our daily lives.

The history of European morals is the subject of a work that has already become an English classic. That of American morals it is perhaps still too soon to write. I shall venture, however, this evening, to sketch in outline some of the main features which have seemed to me to characterize their course, both in the colonies and in the States that have succeeded them.

Like every people, we have had duties, which have been well or ill performed, to each other, to our country, and to foreign nations, or the world at large. We have had also, by the force of circumstances, special duties to the Indian and the negro.

It would be impracticable, in this rough and hasty sketch, to look back of the seventeenth century. The few and scattered settlements previously made had no independent life and character of their own. It is with Virginia and Plymouth that the real history of the United States begins.

* Works, ix. 522.

If I were to name the characteristic of that century in the world at large, I should say that it was or gradually hardened into an age of formalism. Bacon and Shakspere could not stand up against it to stem the tide. They spoke, indeed, for the century before, out of which they passed with their reputation won. The literature of the seventeenth century became one of creeds and catechisms. There was a conventional language of courts, to which the very Prayer Book stooped in its petitions for "our most religious king." The lawyers were busy in inventing writs instead of explaining rights. The work best esteemed was that which put in shape what earlier times had thought out.

Rigidity of form in human society cannot last long. There is sure to come an explosion from within. The mine may be laid by some hand, like Pascal's, and fired by a spark of irony, or by one more daring and more reckless of what may come, like that of Voltaire or Rousseau.

The eighteenth century was a long attack of scepticism upon formalism, and formalism fell. There fell with it that spirit of reverence for institutions which is the supreme safeguard of national morality. Men easily obey customary and established rules of conduct, so long as they do not ask how they came to arise and what purpose they really serve. But he who stops to debate with himself whether it is right to steal or lie, as each occasion presents itself, will often find the stronger arguments on the side of what seems immediate self-interest.

Scepticism conquered, and the divinity that had hedged about the kings of Europe fled before it. The French Revolution brought in a new order of things for the world. It set before it, as Carlyle has described it, "truth clad in hell-fire." The fire was gradually quenched: the truth abides,— the truth that equality is equity, and that human authority rests on human consent.

The nineteenth century has been one of scientific and industrial advance. Its greatest lesson has been taught by science in the realm of thought,— that wrought out by the minute investigations of Darwin and Wallace in the law of evolution, before which so much of what had been the world's conclusions as to our moral nature has been swept away.

Virginia was planted by men who were born in the sixteenth century, and who belonged to it in spirit. It reproduced the morals, the methods of government, the very religious establishment, of the

mother country. Its representative system was kept in check by the veto power of a royal governor. Its pride was to be most nearly like the land to which it owed allegiance and from which most of its colonists had come.

Whatever was peculiar in American life first appeared in New England. Here for a hundred years the people were almost wholly English, and yet thoroughly un-English in their moral and political ideals. Everywhere else, before the Revolutionary era, there was found a large admixture of Scotch, Irish, French, Dutch, Germans, and Swedes.* Few, if any, of these nationalities were found east of New York; while in 1685 they constituted half the population of Pennsylvania.†

The American of the middle colonies, up to the close of the eighteenth century, had no interest in the development of any theory of morals. In the words of one of them, written just before the Revolution, "Industry, good living, selfishness, litigiousness, county politics, the pride of freemen, religious indifference, are their characteristics." ‡

There was then one deep-rooted cause of distinction between the Eastern and the other States. In the latter, morals lacked the support of a system of public education.

Out of the larger towns, children received little instruction, except such as their parents might be able to give them; and this, scanty at best, was apt to be most deficient as to matters of religion.§

It is also true that, of the inferior classes of society, while New England had probably imported quite as many servants from England as any other colonies, she had received fewer convicts or redemptioners. The convicts transported were naturally sent to colonies more strictly under the police power of the mother country, and the redemptioner generally looked for a more friendly soil and softer climate.‖

It should not, however, be imagined that the English convicts sentenced to transportation to America were hardened villains, who had committed atrocious crimes. Such were then hanged. The convicts sent us were mainly from Northumberland, bred on the soil where Scotch and English were so often in conflict, and

* Letters from an American Farmer, Letter II. p. 32, ed. of 1783.

† Winsor's "Narrative and Critical History of America," iii. 485, 491.

‡ Letters from an American Farmer, Letter II. p. 36, ed. of 1783.

§ Ibid., Letter II. p. 40, ed. of 1783.

‖ Winsor's "Narrative and Critical History of America," iii. 545.

guilty of no greater violence against their own countrymen than it would have been considered almost praiseworthy to commit across the border. They were sold on their arrival to the highest bidder for the term of years for which their sentence ran. Readers of Thackeray will recollect the seven years' labor that Corporal Brock, for the theft of three pewter pots, unwillingly bestowed on the tobacco fields of Virginia.

The redemptioners generally came from the poorest class of British and Irish laborers, and sold themselves for a term of years, commonly three, to pay for their passage over.* They arrived bound in this way to the captain of the ship that brought them, or to his order; and he sold them in lots of fifty or more to speculators, commonly called soul-drivers, who marched them off through the country, to be disposed of among the farmers, one by one, as opportunity offered. The last gang thus driven through Pennsylvania, it is said, was made up in 1785. At the end of a long tramp all were sold but one, a young Irishman, with whom the soul-driver put up, as night fell, at a country tavern. The redemptioner rose early, sold his master to the landlord,— who did not know which was which,— and made off with the money, saying, as he left, that the fellow was clever enough, but a little saucy, and had once tried to pass himself off as the owner of the gang, so that the purchaser must not be surprised by any lies he might tell.†

Virginia early became the home of another class of wanderers and outcasts. The street Arabs of London, of both sexes, were picked up by the police and shipped there, in considerable numbers, soon after its first settlement, and bound out as apprentices.‡ The Southern States had also soon to contend with the degraded class of citizens known as the poor whites, who sank in morals as they sank in caste. Slavery made them what they were. They felt that, because they were not black, they need not work; and idleness produced every other vice.§

Morals have no sure and solid foundation in a community where public sentiment regards as a breach of morality the temperate statement of an opinion on any matter of intellectual belief which differs from that generally prevailing.

Such a community was every New England colony, except

* Mazzei's "Recherches," ii. 15. † Day's Historical Collections of Pennsylvania, p. 209.

‡ Winsor's "Narrative and Critical History of America," iii. 143.

§ Mazzei's "Recherches," iii. 192.

Rhode Island, during at least the first century of its existence. That the only subject upon which no differences could be tolerated was religion made it all the worse. Of all subjects, this is the one on which men are most bound to think for themselves.

Within certain limits this feature of New England life was shared also by the other colonies. Maryland and Pennsylvania came nearest to Rhode Island in the direction of toleration, but neither went by any means as far.

The famous Act of Maryland, passed in 1649, was only in favor of those "professing to believe in Jesus Christ." To deny the doctrine of the Trinity it made a capital offence. Another of her statutes declared that the "Holy Church within this province shall have all her rights and liberties."* This, of course, was a decided recognition of papal authority.

Pennsylvania, while proclaiming from the first liberty of conscience as her foundation principle, explained that this did not include irreligion or atheism, and required Sunday to be kept with strictness as a holy day.†

Virginia in 1619 required "all persons whatsoever" to "frequent divine service and sermons on Sundays, both forenoon and afternoon." The "service" was that of the Church of England.‡ In 1642 the New England Congregationalists attempted to introduce their form of worship there. Three missionaries were sent down from Boston, and met with so much success that the next Assembly passed a law that no ministers except those of the Church of England could remain in the colony; and their followers were soon afterward imprisoned or banished, finding a friendly shelter in more tolerant Maryland.§

But it was not the only mark of the influence of the age that the State maintained this guard over the Church and the conscience.

It was an additional misfortune that the ethical side of religion, as it was taught by those in authority, was taught but poorly.

We are probably bound to go farther, and say that the theological doctrines generally taught in our Protestant churches, until the present century, cannot be regarded as wholly favorable to a lofty standard of morals. I do not refer so much to the religious teaching of the pulpit as to its standards of belief. These were framed at a time when the character of the Bible was but imperfectly

* Winsor's "Narrative and Critical History of America," iii. 530.
† Ibid., iii. 487. ‡ Ibid., iii. 143. § Ibid., 147, 148, 531, 535.

understood by the majority of men. It was a kind of Sibylline book, one leaf, one text, from which was commonly accepted as of equal authority with any other.

Men like to lean on something stronger than themselves,— to learn of some oracle. The pope had served them in this way; and their unreasoning reverence for him had, in the multitude, among Protestants, been replaced by an unreasoning reverence for the Bible, as a book every line and word of which proceeded from divine inspiration. Scholars shared these sentiments sufficiently to use it as a quarry from which to construct in scientific arrangement a complete system of faith.

Theology is a science. We need no more wonder that its exposition by the Synod of Dort or of Cambridge, or the Westminster Assembly, was defective than that the books of their contemporaries on astronomy and chemistry were.

The Protestant confessions, or theological symbols, were all — Lutheran, Calvinistic, Anglican, American — founded on the conception of God which we find in the Pentateuch. They grounded the duty of man on metaphysical subtleties, and stimulated him to perform it by motives of self-serving expediency. They painted to him in strong colors a passive bliss of heaven and an excruciating misery of hell. They presented what has been aptly styled a commercial theory of the redemption of believers from the empire of evil. They were almost silent as to ethics as a rule of conduct, as to the practice of virtue for virtue's sake.

These well-meant but futile efforts to throw the warm and glowing words of Christ, so full of human love and tenderness, and yet so intolerant alike of wrong and injustice, of cant and formalism, into harmony with every word and act of Jacob or Moses, of David or Solomon, and to chill the whole into rigid articles and creeds, brought upon New England, and to a less extent upon all the American colonies, two great evils. There were many among the clergy, after the first generation or two had passed away, who felt themselves compelled to assent to doctrines which they but half believed or believed only on authority. There were many among their parishioners who accepted the letter of their creed rather than its spirit, and were content to lead a hard and selfish life, regarding themselves as having, by some mysterious process of regeneration, been made sure of eternal happiness.

That man works best who renders free and willing service to one toward whom his feelings are those of love and confidence.

It was the jealous God who visited the iniquity of the fathers upon their children down to the third and fourth generation, the offended sovereign, the austere task-master, whom seventeenth-century theology called on men to fear and serve.

Such a system gave some men the strength of iron, but it depressed and even debased the lives of thousands.

The morality of Puritanism, as Mr. Lecky has said, was a masculine morality. Its type of virtue was the *vir*,— the strong, upright, unswerving, indomitable man, rather than that character of tenderness, loyalty, long-suffering patience, disinterested devotion, that belongs in its highest form to woman, and woman only. But one man has ever yet attained all the grace of womanhood without losing any of the force of manhood. It took the special touch of heaven; and we must still say, "Never man spake like this man." But it was not the Christ that really controlled the life of the followers of Cromwell in England or of Winthrop and Dudley in New England. It was the Lord God Jehovah of the Old Testament. It was the God of our fathers in whose name they fought their way. Their tone of aspiration, as a people, never rose higher than that which animates, for instance, the grand movement and march of Rudyard Kipling's "Recessional." There were many old Cromwellians scattered through the American colonies, after the Stuarts came in again. They had the hearts for the "far-flung battle line." They owned, too, that a broken and a contrite heart was the true sacrifice to offer even to the Lord God of hosts; but they did not feel it. The tender, loving element in Christianity did not appeal to them out of their own households.

Hence came some all too familiar pages in our early history which, if we could, we would blot from memory,— the trials for witchcraft and the persecutions of Quakers, Roman Catholics, and Unitarians.

Have we even yet quite escaped from the shadow of their influences?

The morals of a people, in any generation, are largely shaped by the preceding generation. "The child is father of the man": the lessons of the school and of the Sunday-school are never forgotten. Are we right in continuing to give such prominence to the Decalogue as a standard of conduct in our systems of religious instruction for the young? Are we wise in still treating it, after the manner of our fathers, as a short code of morals, applicable to

the Christian world as fully as to the Jews in the days of Moses? At the best, the ten commandments can be understood by children but very imperfectly. Do they put God before them as a loving or as a jealous and revengeful being? What are they to believe when they are told they must put aside their games and playthings on Sunday, the first day of the week, because God rested on Saturday, the seventh day of the week, and hallowed that? The first commandment, as soon as they are old enough to reflect at all, will be apt to suggest polytheism to them; and the last will be quite inexplicable until they have mastered the meaning of the seventh.

I am always sorry to see a small child set to committing the Decalogue to memory. If he could really understand it, he would see — and, when a few years older, he is sure to see — that it contains only a few precepts, fitted for a half-civilized people who could bear no more.

But he does not really understand half of it at all.

Some years ago a grandchild of an American authoress, distinguished for contributions to Sunday-school literature, was found swinging on a neighbor's gate, to the manifest peril of the hinges. The wife of the man who owned the fence stepped out, and asked him to get off. "No, I won't," was the prompt response. "Why, Charley," expostulated she, "you really must. It is sagging the gate badly. You have no right, you know, to go off and get up on a neighbor's gate." "I won't get off," was the sturdy reply. "I don't care anything for my neighbor, nor for my neighbor's wife, nor for his ox nor his ass, nor his man-servant nor his maid-servant, nor anything that is my neighbor's." "Charley," said she, gravely, "do you know where you learned that?" "No," he replied, "but I guess it was from grandma. It sounds awfully like her."

I am afraid that not a few of the precepts of the Pentateuch have been quite as much misapplied by a good many of Charley's predecessors on American soil.

The path of morality needs to be lit up by sunshine. It may be made an attractive path by religious teachers; and it has been our misfortune that our religious teachers have insisted so strongly, and almost exclusively, in the past on its hard and formal side. Heaven itself has hardly been painted as a pleasant place for an intelligent being, finding his best satisfaction in well-directed activity, until what I may call the Tennysonian theology came in, during the last half-century. The great poet once laughingly

described the fundamental error, which he was born to combat, in these words: "The general English view of God is as of an immeasurable clergyman; and some mistake the devil for God." * I fear that what he then said of England might have been said, with almost equal point, of America.

The standard of morals in any country is largely set by its literature. What is read most tells most upon the national life.

In early New England, whence came the first beginnings of American literature, it was the Bible that was read most. It had not been a common possession long enough to lose its freshness.

A member of the theological faculty at Yale once remarked to me that, in a recent conversation with a Japanese student in the philosophical department, he had asked him whether he had looked into the New Testament yet; and the answer was that he had, and had got as far along as the middle of Mark's Gospel. "I envied him," said the professor, "those first impressions that the book made on him, but from which we are absolutely shut out by the education of our childhood." The Pilgrims were grown men before the Bible, as we know it, appeared. The former English translations had been uncouth and rough, and published in a form that was both too bulky and too expensive for general use among the common people. In 1611 came the King James version, and it opened a new door into another world. With its simple and yet stately diction, it attracted universal attention, were it only for its literary merits. It soon made itself the standard of English. It was from the first the acknowledged standard of conduct. It was for every reason the book of books to the Puritan and the Independent.

As we look at the history of the English people in the seventeenth century, one might almost fancy that they commenced to read it, when it first came into their hands, at the beginning, and never got any farther than Isaiah. They had then gone far enough to find what they wanted,— a warrant to be free.

Political circumstances certainly tended strongly to throw them back upon the Old Testament for their heroes and for their principles of action. They were under oppression, and were fighting their way to civil liberty. They were on the brink of great changes in government,— of the civil war and the Commonwealth. They were painfully toiling on toward a land of promise. As they

* Life, ii. 90.

looked for leaders, they felt more need of a Moses or a Joshua than of a Saint James or a Saint John.

The Bible, then, and the oldest books in it, set the tone of New England life for the seventeenth century, and to a large though less extent that of the Middle and Southern colonies.

Then came the dark ages of American history,— a period, indeed, measured by generations rather than centuries, but which sprang from the same causes as those which beclouded Europe after the fall of the Romans.

The men of learning whom religious enthusiasm had driven across the Atlantic at the outset of the English settlements had gone back to share in the new order of things which Cromwell had established, or had passed away. Harvard and Yale, William and Mary, and Columbia were not yet ready to fill each vacant place. The license of the Restoration had not been without its reflex influence here. The successors of the Stuarts brought to the throne morals almost as loose, and the king's bishops met the king's mistresses at the court of the early Georges. Protestantism had sunk into formalism in England, and it tended to the same level here.

The barbarians, too, were always upon the frontier,— barbarians who better merited that name than the Franks and Northmen of European history. Their savage atrocities provoked, and perhaps justified, atrocities no less savage in return.

There are wars which beget a spirit of moral heroism, but they are not wars between the white man and the Indian. Wherever these are waged, it is cunning that must meet cunning, cruelty that must revenge cruelty. There is no place for generous emulation or lofty chivalry.

Such an age could have no native literature, unless it were a rough and reckless poetry. It had not even that. There were endless volumes of sermons, endless controversial pamphlets on points of scholastic divinity,— nothing to call a people higher, or even to direct it to the best life it actually had.

Then came the "great awakening" in religion, that was part of that greater awakening of the world to what was real and good in it. Wesley revivified the Church of England, and Whitefield the churches of America. The Revolution drew on. Science, ethics, the arts of civilized life, claimed place. Franklin gave his countrymen the first good English from an American pen,— the first plain lessons for every-day life from an American standpoint.

It was the dawning of our second heroic age. The first was that of the Pilgrims; the second was the Revolutionary era; the third, that of the Civil War.

The Revolution completed a new literature, a true literature. Patriotism asserted itself as the supreme rule of society. Liberty, fraternity, and equality followed in its train.

There was a general attack upon the old order of things. Religion did not escape. It ought not to have escaped. American Christianity had become metaphysical, unreal, unsubstantial. It treated the Bible in a spirit of literalism, and, for the most part, in absolute ignorance of the relations of the Old Testament to the New or of the various writings in either to each other. It refused to own what there was of truth in the criticisms of Tom Paine, and the consequence was that the whole of them were accepted as sound by a large part of the people. The close of the last century found infidelity wide-spread, and nothing strong enough to oppose the general depression of morals which naturally follows a long war.

The reorganization of government incident to the adoption of the Constitution of the United States, and the work of developing the new nation, opened the way to new aspirations, and threw our literature into new channels,— those of politics and trade. We made haste to get rich, not without the consequences that Solomon predicts. We had, for the time, no leisure to read books.

To replace them, we created the newspaper. Up to that time the newspaper, wherever in the world one was printed, had taken much the place now occupied by the magazine. It had made little effort to secure the news of the day, and crowded what it got into a corner, to make room for lengthy disquisitions on topics of remote concern.

Freneau and Duane taught it new uses. First the weekly, and then the daily press began to be one of the great powers of society; nor has it ever been displaced. The time when an English critic could scornfully ask, "Who reads an American book"? has long since gone by. It is because America writes better books; but the American newspaper still holds its early position. We may truly say that it deserves it. It is, more than anything else, the distinctive thing in American literature,— the thing which no other country does so well. There is, indeed, nothing, outside of London, like the London *Times*. Every line of it shows thorough work. But what does it cost? Who can afford to buy it? The

very beggars can give a cent for the New York daily and find it a library of current history.

The American newspaper is seldom a fair critic of a public man. But it is seldom other than a fair critic of public morals. That very public opinion which it has helped to create reacts upon it, and compels it to uphold in the abstract honor and integrity, purity of thought and dignity of life.

But the literature of a country alone is no sufficient guide to an understanding of its moral character. Political conditions and social changes must be given a large place. The French war, between 1756 and 1763, had quite as much to do with relaxing the moral tone of the colonies as any fault to be found with the current theology or any lack of readable and wholesome books.

English troops were then stationed here for considerable periods, and soldiers often billeted on private houses. A large part of the able-bodied colonists were at one time or another in actual service. The full force of the general spirit of license which comes in the train of war was felt throughout New England, and religion and morality both suffered.* They declined still further during the Revolution. "It unhinged," said President Dwight, of Yale College, in a Fast Day sermon in 1812, "the principles, the morality, and the religion of this country more than could have been done by a peace of forty years." He had been a chaplain in the Continental army, and was a close observer of men and manners.

In 1796 the church of Yale College had but a single member among the students.† The ordinary churches in New England were still well filled at the Sunday services, but people went largely as a matter of fashion. As late as 1810 it was customary there for every one, whatever his moral standards, to connect himself with some religious congregation, and occasionally attend worship there. To this there were but few exceptions, for never to go to church was to lose social caste.‡ There is now probably no portion of the country where among Protestants a majority of the men are even occasional church-goers.

Not a little of the colonial legislation of the seventeenth and eighteenth centuries was of a kind to depress the moral standards of the people. Their respect for rights of property had been dead-

* Silliman's "Eulogium on President Dwight," p. 5. † Ibid., p. 19.

‡ American Unitarianism, Boston, 1815, p. 40, note.

ened by the consequences of the colonial and continental emissions of paper money. One who borrows a thousand dollars in gold for five years, and then pays off the loan in paper worth but a fraction of its face, is a gainer in one way and a loser in another. A wrong has been done; and, though there was a law for it, he must share in the responsibility for the existence of the law, and assume the undivided responsibility for taking advantage of it. "There is so much injustice," wrote John Adams in 1777, "in carrying on the war with a depreciating currency that we can hardly pray with confidence for success." *

The States, however, went on as the colonies had done, until the nation rose up to forbid it in the Constitution of 1787. Such laws were not enacted without strong dissent. Pennsylvania in 1781 passed one for the emission of State bills of credit, and to make them a legal tender. A protest was drawn up by the minority, among whom were Robert Morris and Thomas Mifflin, in which they say that such measures "render our courts of justice the ministers of inequity. Instead of compelling the performance of contracts, they not only permit and countenance, but aid and assist the violation of them. Hence it must follow that the magistrates will be disrespected, the laws contravened, and the morals of the people polluted." †

Eighty years later we were to repeat the experiment as a nation. The legal tender feature of the paper currency of the Civil War was a blunder which cost us dear. Part of the price we are paying still in the silver question on which the country was so sharply divided two years ago.

The stay-laws and similar measures for the relief of debtors, which accompanied and followed the Revolution, were both an indication and a cause of a general blunting of the public sense of honesty and good faith. "We feel ourselves in duty bound to say," declared the grand jury of "Ninety-six" in South Carolina, in a presentment returned to court in December, 1788, "that the many acts of the legislature screening the debtor from the just demand of his fair and *bona fide* creditor have had a very pernicious influence on the morals and manners of the people. . . . We think greater regard should be paid to our national character, and are of opinion that a faithless community in the society of other States and nations is full as deserving of the detestation and abhorrence of mankind as a knavish individual in private society." ‡

* Life and Works, ix. 463.

† American Museum, vol. vii., Appendix II., p. 17. ‡ Ibid., p. 10.

There was another colonial practice also which it was not easy to shake off after independence had been achieved.

Smuggling had come to be regarded almost as an act of patriotism, when the English navigation laws were bearing so heavily on American commerce. After the United States were granted power to tax imports, and made this their principal reliance for revenue, it was hard for those who had profited by cheating the British custom-house to respect the American one. An association of merchants in Alexandria was formed in December, 1789, to aid the new government in enforcing its laws; and in their articles they bound themselves both to obey them themselves, and so far as they could to compel the obedience of others, "particularly by discountenancing and discouraging smuggling, which we consider as injurious to the fair trader and prejudicial to the morals of those concerned in it."*

A lowering of the standards of business conduct is particularly unfortunate among an active and enterprising people. It is too rapidly multiplied.

Persistent and unremitting industry was from the first a general trait of Northern character among those of English stock. A Pennsylvania farmer, visiting Massachusetts in the last century, remarked with admiration that he observed many of the people, while buying and selling at a market, occupied in whittling cedar into bungs, so as not to be idle.† But men who are thus always on the move are apt to magnify the good of money, and treat its gain as the chief end of life. Starting from that basis, there is not far to travel between skill and trickery.

An English traveller wrote in 1833 that, in conversing with American men of business, he was struck by two things,—their willingness to stoop to anything for the sake of making money, and their avowed approval of such methods in others.‡ It is to be feared that there was some truth in this. I recollect meeting myself, in my youth, one who had been a New York merchant in those days, who told this story with great self-complacency. He had imported a cargo of almonds in bulk, and found no sale for them. One jobber said that, if they had only come from a certain Spanish port and been boxed, he should have been glad to take them. The importer at once hastened to a cigar-box manufacturer, and ordered a number of boxes of Spanish cedar, stamped

* American Museum, vol. vii., Appendix II., p. 14.

† Letters of an American Farmer, p. 129. ‡ Men and Manners in America, i. 124.

with the name of the port in question and of a fictitious house. On their delivery they were promptly filled from the hold, and the jobber called upon again by the merchant, with the information that he had a cargo now which he thought would suit him. It did suit him exactly, and the whole was sold. The trick evidently did not strike the merchant as anything but a proof of his business skill.

The wave of speculation and false financiering which broke in the commercial crisis of 1837 — first of a series of recurrent panics in the money market — rose in the same kind of business methods.

A high standard of morality may prevail in a very simple or in a very refined state of society. It is not apt to be found where a people are climbing from one of these to the other.

Americans in the first half of the nineteenth century, and particularly between 1820 and 1840, were in the position of a *nouveau riche.* Their new clothes did not set well. There was a certain coarseness in the national way of looking at things. We had lost or outworn some of our old ideals, and had put nothing in their place.

City life began to grow, and the new kind of civilization that comes from thus massing men together. The criminal classes multiplied.

Until the nineteenth century came in, the American seldom locked his doors by night, and never by day.* My own boyhood was spent in a city of over twenty thousand inhabitants. Our house was near its centre, standing a few feet back from the street. As late as 1855 my father, following the manner of his youth, was accustomed on Sundays to lock up the house, as the family left it to go to church, and put the key under the door-mat. His own office, which contained a valuable law library, when he left it every day for dinner at one o'clock, he never locked at all. I am told that at Honolulu they still live in this trustful way. Let us hope that annexation may not bring it to an untimely end.

Three causes existed for this confidence on the part of our predecessors in their fellow-men: there was less to steal, there were fewer thieves, and whatever was stolen it was harder to get away with. There was no crowd into which the criminal could disappear. There was no railroad train on which to escape, no great

*"Letters of an American Farmer," p. 67; Dwight's "Travels in New England and New York," i. 172.

city in which, if once reached, he was lost to view. There were no tramps then. Every man had a local habitation and a name.

Amusements began to assume a new prominence after the nineteenth century had fully opened, particularly those which brought some excitement with them. There was more gambling and betting, more horse-races and prize-fights. From making money freely we turned to spending it freely.

The Northern colonists at first had few amusements of any sort, and had leisure for few. Later dancing came in. Public balls were common in city and country at the beginning of this century,* and were occasionally given in New England in connection with the gathering at a minister's ordination. They were also a feature of the college commencements.†

The theatre appeared early in the South, but it was excluded by law from New England until that at Boston was chartered a hundred years ago. Some years previously, however, a few of the standard plays, such as the "School for Scandal," had been performed there under the innocent name of "moral lectures," though the practice had been finally broken up by the arrest of the lecturers while on the stage.‡

Cards have really never been a household game in New England until the latter part of the nineteenth century; but this was a provincial peculiarity.

Americans, taken as a whole, have always paid less attention to mere recreation and amusements than has been customary in other countries; and, as time has gone on, those most in favor have been the healthful and innocent.

Gambling was never as infrequent among us as during the last quarter of a century. It is a vice which naturally springs up on the frontier or in the camp, or, indeed, wherever men are thrown closely together and at the same time deprived of the attractions of female society. It was long the bane of Washington, but has gradually retreated to the ocean steamer and the summer watering-place, or to the States of perpetual summer, where, in a climate that excludes the excitement of outdoor sports, resort is still often had to that of the gaming-table.

Perhaps the ladies have met it half-way by their plan of playing

* S. G. Goodrich's "Recollections," i. 87.

† Papers of the New Haven Colony Historical Society, iv. 204.

‡ Life of Josiah Quincy, p. 40.

cards for prizes between those who put in a dime or a quarter apiece with which to buy them. It is not a matter of satisfaction that what is virtually the old English custom of playing whist for shilling points has thus at last crossed the Atlantic. The women will not push it farther: the men may.

Betting on horse-races and boat-races, boxing-matches, and similar competitions, has become mainly confined to young men who have little to lose and to a narrow circle of the leisured class. Of late years it has threatened to make dangerous advances among the poor under the name of "policy-playing"; but repressive legislation has met it wherever it has shown its face, and generally with success.

Cock-fighting was, during the latter half of the eighteenth century, a favorite sport throughout the South; and among the poor whites and negroes boxing-matches, which ended in gouging out the eyes of one of the combatants, were not infrequent in the Carolinas and Georgia.* In the general advance in the humanities of life, these have for the most part disappeared.

The dangerous fascination of the lottery, in which it was common to indulge during the first two centuries of American life, has now been everywhere withdrawn by force of law.

The Virginia Company had authority by charter to grant lotteries, and raised nearly £29,000 by one about 1612, to aid the colonists, who were then in a suffering condition. This, however, was an English lottery, though for an American object. The first drawn in this country was a kind of raffle for a house in Philadelphia. It took place in 1720, and was followed by so many and with such evil consequences that the Pennsylvania legislature in 1729 forbade any for which a special license was not given. In 1744 Massachusetts authorized a lottery to raise money for the expenses of the government, and it may be said that for about a hundred years after 1730, there were few of the colonies and States that did not occasionally resort to this device to help on public objects of one kind and another. Churches, colleges, schools, roads, bridges, and other public works, all from time to time received aid from this source of supply.† The loan obtained by John Adams at Amsterdam for the United States, in 1784, was floated by aid of a lottery bonus of over 30 per cent.‡ There was also in colonial days a large sale of English lottery tickets in

* Morse's "American Geography," ed. 1792, pp. 390, 418.

† Annual Report of American Historical Association for 1892; pp. 174, 178. ‡ Ibid., p. 182.

America, embracing at the time of the beginning of the movement toward independence an eighth part of all that were issued.*

In 1830 the grand jury of the city of New York made a presentment of lotteries as fostering a spirit of gambling, productive of idleness, and ruinous to credit and character. In 1832 over four hundred were drawn in different parts of the United States, offering tickets costing in all over $53,000,000.† State after State now withdrew from sanctioning the practice, Louisiana, the last to retain it, having abandoned it but a few years since. In a large majority of the States, constitutional prohibitions have also been adopted. Congress in 1890 forbade the use of the mails for promoting lottery enterprises; and a New York banker was convicted under this Act‡ for circulating proposals for a loan by the Austrian government quite similar in principle to that which we were glad to negotiate in Holland in 1784.

That we should have tried the lottery was inevitable. That we have so emphatically pronounced against it, after trial, is another proof of that sound sense which underlies sound morals and is their strong support.

And what has been our course in regard to those pleasures of the senses which so easily shade off into vice and misery?

In no great country of Christendom has the use of intoxicating liquors ever been so restricted as it is here to-day.

At first we had few of the richer classes, who find the social glass a pleasant aid to pass the time, and few of the poorer classes, who drink to drown their misery. The early colonists in New England used ale with some freedom. Those south of it added wine and spirits, but seldom took them to excess. During the civil war a New England clergyman returned to share the fortunes of the revolution, and, in preaching before Parliament, said, "I have lived in a country where in seven years I never saw a beggar, nor heard an oath, nor looked upon a drunkard."§ Early in the next century (1710) Governor Spotswood, of Virginia, wrote of his province in a similar way to the Bishop of London: "I have observed here less Swearing and Prophaneness, less Drunkenness and Debauchery, less uncharitable feuds and animositys, and less knaverys and Villanys than in any part of the world where my Lot has been." ‖

* Annual Register for 1769, p. 155.

† Annual Report of American Historical Association for 1892, pp. 177, 190.

‡ Horner *v.* United States, 147 U. S. Law Reports, 449.

§ Mather's "Magnalia," i. 92. ‖ Winsor's History of America, iii. 148, note.

The first Connecticut code (1650) forbade innkeepers to allow any one to drink more than half a pint of wine at one time, "or to continue tippling above the space of halfe an houre, or at unseasonable times, as after nine of the clock at night";* and a few years later it was enacted that any person found drunk in a private house should be fined twenty shillings, and the owner of the house ten more, and that no corn or malt whatever should be distilled.†

Among the second and third generation in New England the pleasures of the table began to assume a larger place. In 1679 the practice of drinking healths had become so common there that the Synod of Boston formally protested against it.‡ In Connecticut the way of living continued simpler and stricter, and a man was spoken of sneeringly who loved his bottle.§

Cotton Mather said, in one of the "week-day lectures" given in 1698, that the number of drinking-houses in Boston, then a town of seven thousand inhabitants, was enormous,‖ and that the beggars and the idle poor had "shamefully"¶ increased. He then quoted the passage which I have cited from the sermon preached at London as to the country where drunkenness was unknown, and said: "Shall I tell you where that Utopia was? 'Twas New England. But those that go from hence must now tell a different story."** The cause of temperance continued to decline in Massachusetts, and by the middle of the last century drunkenness had become a common vice. John Adams, in his early days, engaged in a movement to reduce the number of dram-shops, which met with a temporary success; but they soon multiplied again under the influences of the French war and the Revolution.††

In the Southern colonies, as the people became prosperous, their cellars were well stocked and hospitably used.

A European visitor in Virginia, shortly before the Revolution, asked one day with all seriousness how much water cost there, and, when the reply was, "the trouble of going to the well," said

* Connecticut Colonial Records, i. 533. † Ibid.

‡ Mather's "Magnalia," ii. 276.

§ See letter of Samuel Willis to Governor Winthrop, of Dec. 25, 1697, in Massachusetts Historical Society Collections, 6th Series, iii. 31.

‖ Magnalia, i. 92.

¶ Ibid., i. 94. The next year an act was passed to establish workhouses in every county for rogues, vagabonds, and beggars. ** Ibid.

†† Life and Works of John Adams, ix. 637.

that he had supposed liquor must be cheaper, since he could never get a glass at table without the greatest difficulty, while those who called for wine, cider, beer, grog, or toddy, were served at once. Mazzei, coming there from Italy, was the guest of honor at a large dinner party at Norfolk in 1774, and asked a waiter to bring him a glass of water. The servants were at once thrown into confusion, and no water appeared. The host then whispered in his ear with a smile, "Is there nothing else you could drink? for your unexpected request has really turned my whole household upside down." *

In all our larger cities the saloon now began to take its permanent place; and, as they were all seaports, the number was naturally large. New York in 1808 contained about fourteen thousand inhabitants, and held seventeen hundred licensed places for selling intoxicating liquors.† Convivial indulgence in their use at private tables and in social intercourse between meals was the rule among the well-to-do classes throughout the country during most of the eighteenth century and the early part of the nineteenth.‡ There was no sideboard without its decanter, and no caller was received without being invited to take a glass of wine.

Excess was the natural result, and there was for a time real danger that drunkenness would become a national disease.§ The very funerals were followed by a return to the house for a glass of wine and a pipe, which often ended in scenes of intoxication.‖

The American Temperance Society was organized in 1826. In ten years it was followed by twenty-three State societies (and we then had but twenty-five States) and eight thousand of a local character, containing in all a million and a half of members; and among the results of the movement had been the closing of four thousand distilleries and eight thousand drinking-saloons.¶

Notwithstanding this, however, the rapid increase of wealth and luxury throughout the Eastern States made the use of liquor at the table or on the sideboard still the rule. The ministers at ordaining councils had their punch and pipes, provided by the church. The judges, after court, had their punch-bowl, too, pro-

* Mazzei's "Recherches," iii. 201.

† Sermon of Rev. Ebenezer Porter on "The Fatal Effects of Ardent Spirits," Hartford, 1811, p. 18, note.

‡ Dwight's "Travels in New England and New York," iv. 353.

§ Adams's History of the United States, i. 47.

‖ New Haven Colony Historical Society Papers, iv. 196, 198, 199, 200; Morse's "American Geography," ed. of 1792, p. 433.

¶ Chevalier's "Lettres sur l'Amérique du Nord," i. 389.

vided by the State and taxed in the bill of costs. In 1833 one of the leading hotels in New York (Bunker's) had no other place for gentlemen to sit than its bar-room; and on its *table d'hôte* dinner-table, at regular intervals, appeared bottles of brandy, as part of the regular provision for the guests.*

It took Father Mathew to put the temperance cause in the United States on a sound and stable footing. Since his day, or for the last half-century, there has been a marked reversion toward the old-time standards of conduct. There are few houses in which the decanter is produced for every casual caller, and many in which liquors are never seen. More beer is drunk than wine; more wine, except among the very poorest, than spirits; and there is no deadly tippling of *liqueurs* at the tables of a *café*. Tea, coffee, and lemonade are in no other country in such general use.†

Prohibition has been tried, and found wanting; but local option, Sunday-closing laws, and sounder rules of private manners have taken a firm and settled place. Temperance was once used to denote total abstinence. The use of the word has now reverted to its proper meaning, and by moderation in the use of liquors the American people has come to deserve the name of a temperate people.

The opium habit has occasionally gained an isolated victory. In the last century it may be said to have attacked one whole settlement,— that of Nantucket.‡ But there it was a passing incident; and it is only among our Chinese residents — who are with us, but not of us — that it can be said to have obtained any considerable strength.

Licentiousness, on its return with Charles II. to England, soon reached the American colonies. In Cotton Mather's eulogy on Sir William Phipps, written in 1697, he alluded to his chastity as something "which the prodigious depravation brought by the late reigns upon the manners of the nation has made worthy to be mentioned as a virtue somewhat extraordinary." §

Americans, sheltered by the republican safeguard of equality of social conditions,‖ never fell in this matter to the European level.

* Men and Manners in America, i. 42.

† It appeared a few years ago, in testimony in court, that $10,000 a year was paid for the privilege of selling lemonade at Barnum's circus.

‡ Letters of an American Farmer, p. 133. § Magnalia, i. 200.

‖ De Tocqueville's "Democracy in America," ii., Chap. XI.

The bitterest satirist could not have said that marriage was ever to them what Sophie Arnauld said it became to her countrymen in the eighteenth century, "the sacrament of adultery." Of the Revolutionary soldiers and statesmen, however, who came in close contact with the French, there were many who soon came to share their way of thinking as to female virtue. The shortcomings, in this respect, of a few public men of the day are known to all, at least in part. It is well that it should not be known to all how deep several of them sank in the betrayal of the confidence in which they had been welcomed into hospitable homes.

The factory system opened one of the first new business fields for American women. It also presented an obvious occasion for apprehension as to the effect of the new life on the morals of those who were to share it together.

In many families the daughters had previously worked part of their time at manufacturing processes in their own houses. Now they were able to spend their whole time in this way, but away from the protection of the household. Towns like Lowell and Lawrence were to be built up, consisting of little but great mills and great boarding-houses, one row for young men and another row for young women. Here was a test of the severest character of the virtue of American girls. They met it well. Several years after one of the large mills of Lowell was set up, the superintendent was able to say that there had been but three instances where a shop-girl had been led astray; and in each such reparation as there could be had been made by marriage.*

A similar trial has been involved in the establishment of college "co-education," and with much the same results,— rare delinquencies and general morality.

The Lowell shop-girls of sixty years ago were, indeed, not very unlike the college girls of to-day. They left home for a few years only to earn their dowry or to help a brother to an education. They have been succeeded by a regular class of female operatives who spend their lives at the mill. To these the temptations to irregularity of life are greater, the restraints less. It must be owned that a woman thus employed often becomes roughened in character, that she sometimes hears coarse language, and sometimes uses it; but lower than that they seldom fall.†

One class of our working-women has in time past suffered

* Chevalier's "Lettres sur l'Amérique du Nord," i. 397.

† See this subject discussed in "Certain Dangerous Tendencies of American Life," p. 164.

greatly at the hands of American men. I refer to the slaves of the South. Their masters and their masters' sons often used with them more than the license of the mediæval landlord with his tenantry.* It was part of the curse of a system that belonged to a past generation; but the laxity of morals which characterized it took hold of its victims, and has gone far through them to infect the whole colored race in the Southern States.

For the purity of woman in America where slavery did not exist, and of the white woman where it did, as well as its correlatives, the promotion of marriage and the sanctity of marriage, we owe much to the teachings of the Roman Catholic Church, to which in all our cities and manufacturing towns so large a portion of our working people now belong.

Free love, under any form, though it be that of religion, is foreign to American civilization. The polygamy of Mormonism only gained a foothold by a political accident. Its disciples, while their temple was at Nauvoo, had the good fortune to be inhabitants of a State in which the people were nearly equally divided between the two great parties of the day. The Mormons were thus able to hold the balance of power, and the influence on legislation that always goes with it.† The destruction of their temple followed a change in political conditions, and the whole force of the United States was used to crush out the power of their church at its final seat in Utah.

The factory system, coupled with the swifter movement of life in and radiating from an ever-increasing number of thickly populated communities, has wrought one unfavorable change in the economic habits of our people. Prudence in family expenditures was once an American virtue. It was every man's ambition to lay up something for old age or to constitute an active capital. This has largely passed away, except in thinly settled agricultural districts. The ordinary workingman owns little besides his household furniture, and saves nothing but what is necessary to pay the dues and assessments of his benefit society. Life insurance and accident insurance serve as the protection of other classes, and absorb what they might otherwise lay up.

Dr. Johnson once said that it was not worth while for ordinary men to struggle to save twenty pounds a year. If they could not

* Morse's "American Geography," ed. of 1792, p. 65.

† Autobiography of Peter Cartwright, London ed., p. 201.

put aside enough to raise themselves to a higher situation in life, they had better have the satisfaction of spending all they earned for their own enjoyment. Such was not the opinion of the American of his day, but it is becoming that of the American of ours.

Nor do we all stop at this limit. We are too apt, especially in our cities and villages, to live in debt for the current expenses of our households. We are inclined to spend faster than we earn, and to trust to good luck to square the final account. How many men who work for day's wages, in hiring a house or tenement, consider how the rent is to be met if their employment should unexpectedly cease even for a few weeks in the year? And how many, if they run behind in their account with the landlord, and are turned out of possession, ever think of paying up the arrears, should they subsequently have the means to do so?

Legislation, in this respect, has now been for a century and a half mainly on the debtor's side. The process of the courts cannot reach such of his property as is necessary for the comfort of his life, and in some States this exemption may cover a homestead of considerable value. This is partly due to the fact that the debtor class is the more numerous, and casts the heaviest vote; but its deepest causes have been a growing sentiment of humanity, and a higher sense of the worth and dignity of human life.

These have served to protect the criminal from any barbarous punishments, such as were common in England and all her colonies during the first half of American history, and to give him opportunities of reformation. Their reflected influence is also seen in our laws against cruelty to animals, and our charitable foundations for their benefit.

It must, however, be considered an American fault that in many States human life is still held too cheap. This is chiefly true of the South-west and the mining States, where society is still in the rough, and personal altercations common in every class.

The European remedy for an insult — the duel — failed to fasten itself upon America. It was never in vogue in New England. One was fought soon after its first settlement between a couple of negro servants, with swords;* and perhaps the unsuitability to their condition of such a mode of settling a quarrel made the ridiculous side of the practice so obvious as to discourage a resort

* "Observations on Emancipation and Colonization," by Ebenezer Baldwin, p. 32.

to it by those of a higher station. Only four other instances are reported.*

In most of the other colonies it was occasionally seen until the death of Hamilton, and in the Southern and Western States it survived to the Civil War.

In 1820 was the last duel between public characters in which any Northern man was engaged,— that fought between two members of Congress, Mr. Graves, of Kentucky, and Mr. Cilley, of New Hampshire, in which the latter fell. By Act of Congress, heavy penalties are now imposed upon duelling or arrangements for duelling at Washington,† or in the army or navy.‡

Dr. Johnson justified the custom, as to the party challenged, on the ground that it was an incident of the right of self-defence,§ and the general sentiment of Americans long tended in the same direction. It is a strong proof of our general advance in Christian civilization that in many of the States where it was formerly tolerated or approved the law now not only makes it criminal, but attaches to it such consequences of civic degradation that the shame, so far as the public voice can speak, has come to follow accepting, not refusing, a challenge.

What now has been our morality in dealing with the Indian problem?

The charters of the English colonies generally contained some such phrase as this, in describing the object of the settlement and the purposes to be arrived at in conducting the government: "whereby our said People, Inhabitants there, may be so religiously, peaceably, and civilly governed, as their good Life and orderly Conversation may win and invite the Nations of the Country to the Knowledge and Obedience of the only true God and the Saviour of Mankind and the Christian Faith, which, in our Royal Intentions, and the Adventurers free Profession, is the only and principal End of this Plantation." ‖ The seal of that of Massachusetts Bay bore the device of an Indian, with the legend issuing from his mouth, "Come over and help us."

At the first session of the General Assembly of Virginia, in 1619, an Act was passed requiring each settlement to give education and

* Dwight's "Travels in New England and New York," i. 172, 511; iv. 334.

† Revised Statutes of the District of Columbia, § 1164.

‡ United States Articles of War, 26, 27. § Boswell's "Johnson," ii. 236.

‖ Connecticut Charter, Poore's "Charters and Constitutions," i. 255; Virginia Charter, Ibid., ii. 1888.

religious instruction to the Indian children;* but this was a piece of perfunctory legislation to satisfy the terms of the charter, and no such schools were, in fact, set up. Roman Catholic missionaries in other colonies, particularly those of France, were really the first to introduce Christianity among the natives; and no one can praise too highly the ardor and daring with which they carried on their conscientious and untiring efforts in this direction. Wisconsin has done well in sending a statue of Father Marquette to represent her founders in the galleries of the Capitol at Washington. The Jesuits in Maryland established several stations there for the benefit of the Indians before 1640, and met with considerable success.† Their work later in Maine was frankly recognized by the New England clergy of the time. Dr. Colman, the leading minister of his day in Boston, wrote in 1732 to Father Lauvariat, then laboring among the Penobscot Indians on Georges River, in the most friendly way, saying that his zeal and assiduity merited the highest praise, and specially commended his endeavors to check the drinking habits, remarking (their correspondence was in Latin), "Barbari sane satis isti sunt, et stupidi, sine Potationibus."‡

The Plymouth Pilgrims gave some faint impressions of what Christianity was to a few individuals among the Indians; but nothing substantial was, or indeed could be, done until their language had been acquired.

The first Bible printed in America was the Indian Bible of John Eliot of Massachusetts; and soon after 1640 he commenced his active ministry among the natives, in which he soon had followers in Connecticut and associates in his own colony. A law was passed there in 1644 that the County Court in each county should "take care" that the Indians living there should be civilized, and "have power to take order from time to time to have them instructed in the knowledge and worship of God."§ This was always Eliot's principle of action,— to civilize first and Christianize afterward. By 1687 there were twenty-four Indian churches in Massachusetts, and as many native preachers.‖ The Dutch also organized an Indian church near Albany in 1694.¶

The Indians did not take very kindly to the Calvinistic theology which was fed out to them.

One of the first doctrines brought forward was that of the lost

* Winsor's "Narrative and Critical History of America," iii. 143.
† Ibid., iii. 531.
‡ Colman's "Life and Parables," p. 65.
§ Palfrey's History of New England, ii. 188.
‖ Mather's "Magnalia," i. 509.
¶ Ibid., ii. 882.

estate of mankind, and the certainty of eternal condemnation to those who were not saved through baptism and faith in Christ. "How can this be true," was the reply, "when you have been among us for twenty-six summers without ever before saying a word of it?" *

A still sharper reply came from the Conestoga Indians, upon whom a Swedish missionary urged the same teachings in 1710. "Your Bible," said one of the chiefs, "contains a revelation only for those who have it; and the Almighty cannot have concealed these truths from so many nations, if it had been so important that all should know of them. To argue that he could not have made them known in any other way than by this one book is to contradict his omnipotence; and, if that be granted, not to communicate them to all men would be an inconceivable injustice." †

Dr. Johnson, always unfriendly to the Americans, did not fail to make his caustic comment upon their seeming tardiness of missionary zeal.

"To omit," he wrote in 1766, "for a year or for a day the most efficacious method of advancing Christianity, in compliance with any purposes that terminate on this side of the grave, is a crime of which I know not that the world has yet had an example, except in the practice of the planters of America, a race of mortals whom, I suppose, no other man wishes to resemble." ‡

The slight attention which the colonists gave to the instruction of the natives, either in the arts of civilized society or the truths of religion, was largely attributable to the traits of the Indian character. They had their own ideals, and they preferred to adhere to them.

A few were educated at the North during the first century of the English settlements, but to little profit. In 1744 the colony of Virginia concluded a treaty at Lancaster with the Six Nations. The commissioners during the negotiations stated that there was a fund for the education of Indian youth at the College of William and Mary, and that, if the chiefs would send six boys there, the State would see that they were well instructed in all the sciences known to the white man. In accordance with Indian custom an answer to this proposition was deferred until the following day. The Indian orator then thanked them for their friendly offer, but said that no two races of men had quite the same ideas as to the

* Mazzei's "Recherches," iii. 166.

† Ibid., iii. 168.

‡ Boswell's Life, 112.

same things. "Many of our sons," he continued, "have been in former years educated at Northern colleges; but, when they returned to us, they were bad runners, they could not bear cold and hunger, they could not build a wigwam or kill an enemy, they spoke our language ill,—in a word, they were good for nothing, either as warriors, hunters, or at the council fire. We appreciate your kind intentions, though we cannot avail ourselves of your goodness; and, to prove it, if you will send us twice the number you mention of your sons, we will spare no pains to rear them well, to teach them all we know, and to return them men." *

It is also true that Indian sagacity was not slow to discover that the ethical teachings and practice of the Christian missionary were not always on the highest plane.

One of those sent by the French, whose field was in the interior, kept a journal containing cases of conscience which had been referred to him by his converts, and the advice which he had thought it proper to give. One was "whether an Indian stealing a hatchet from a Dutchman be bound to make restitution." The Dutch claim to New York, you will recollect, was not relished by France any more than by England. The determination was "that, if the Dutchman be one that has used any trade with other Indians, the thief is not bound to any restitution; for it is certain he gains more by such a trade than the value of many hatchets in a year." †

The story may be matched by one which Cotton Mather relates of an Indian executed in Massachusetts for murder in 1694. The minister who was called in to prepare him for his end found that he knew little or nothing of the principles of Christianity. How is this? he asked. It was preached where you live. "Yes," replied the poor fellow; "and I began to go to hear the missionary, but gave it up when I observed how he lived himself. He minded his bottle more than his Bible; and, when his rum was in him, he would quarrel with everybody."

The drinking habits of the early colonists, and the fire-water which they gave or sold to the natives, were, indeed, more than a set-off against any help they gave them in the direction of civilization, or, it is to be feared, of knowledge of religious truth.

I do not think that the Americans, as a people, can fairly be charged with any lack of morality in their general course of dealing with the Indians, from the beginning to this day. They

* Mazzei's "Recherches," iii. 173; Franklin's Works, ii. 462.

† Mather's "Magnalia," i. 522.

bought their land instead of seizing it, they offered them education, they built them churches. They were the stronger and the wiser, and the weaker race has fallen away before them. That was inevitable. When struck at, they struck back, and struck to kill and destroy; and that, too, was inevitable. The Indian was not made for civilization. It is unfriendly to some of his noblest traits. His life, to be true, must be free and unconfined,—a life of the woods. His race must pass, as the beasts of prey whom his ancestors once hunted here have passed.

There have been many, too many, occasions in which Indians have been cheated, abused, and betrayed by white men,—a few in which such acts have been chargeable against the government of a State or of the United States. Our national dealings with them have been described by an earnest and brilliant writer in a volume which she named a "Century of Dishonor." But the wrongs she tells of are largely seeming rather than real, unwitting rather than premeditated. As a people, we have meant well by them; and, generally, we have done well by them.

Would that we could say the same of our dealings with the negro!

Tobacco is probably responsible for the introduction of slavery.* Its cultivation was first attempted systematically in Virginia in 1612, and soon became its main industry. Cheap labor was wanted to make it profitable, and that seemed cheapest which could be bought at £20 a head. The first lot purchased came from a Dutch man-of-war in 1619,† and the next from a Bristol trader.

We must not forget that not only was the slave-trade a lawful one by the law of nations throughout the eighteenth century, but that it had in times not very remote been held in honor. John Hawkins, one of the Elizabethan captains of the sea, who had prosecuted it with great success, won from the queen in recognition of these services, and proudly used, a coat-of-arms the crest of which was a "negro's head, proper, chained."‡

It was, however, in the next century, felt in Virginia to be tainted with inhumanity. Repeated acts of her legislature were passed to discourage it,§ and shortly before the Revolution one

* Winsor's "Narrative and Critical History of America," iii. 139. † Ibid., 143.

‡ Motley's History of the United Netherlands, ii. 101.

§ Mazzei's "Recherches sur les États-Unis," ii. 14, note.

was adopted to prohibit it altogether. The royal governor refused his assent, under instructions from the home government. The House of Burgesses then, in 1772, unanimously adopted a formal address to George III., setting forth the inhumanity of the slave-trade, and that it greatly retarded the settlement of the colonies with more useful inhabitants, and asking that the governor be left free to act as he thought best in the matter. The appeal was fruitless; and in the first draft of the Declaration of Independence Jefferson included a summing-up of these proceedings as one of the grievances which warranted the Revolution, though it was finally struck out, lest it should be a cause of disagreement between the delegates.

This action of the English government was dictated by a desire to promote the interests of the African Company, one of the few chartered trading companies of that day, and in which several men of rank and influence had large pecuniary interests, the Duke of Chandos being for some years at its head. England forced the slave-trade upon America in the eighteenth century, just as in this she forced the opium trade upon China. Both were profitable to English merchants, and that was enough. It is a matter of satisfaction that the standards of English diplomacy have now been advanced so far that one is startled to read of this Chinese incident as belonging to the Victorian age.

Georgia was for a time more fortunate than Virginia. A regulation of her trustees, made in 1734, received the assent of Parliament, which prohibited the importation either of slaves or ardent spirits. It was, however, repealed within twenty years, and with the approval of George Whitefield, the great missionary preacher of the day, who maintained that it was a humane thing to bring the heathen here where they could be civilized and Christianized.*

One of the earliest and most daring resolutions of the Continental Congress, preceding by some months the Declaration of Independence, was that "no slaves be imported into any of the Thirteen United Colonies."† An anonymous appeal was soon afterward presented to them through the press, commending this action, and urging that consistency required them to go forward and ask the States to take action toward abolishing slavery itself. This was contained in a spirited address, supported by a "Dialogue concerning the Slavery of the African," both of which were published at Norwich, Connecticut, early in 1776.

* Winsor's "Narrative and Critical History of America," v. 387.

† American Archives, 1776, iii. 11.

A warm address to all the inhabitants of the British colonies on the sin of "slave-keeping" had been published anonymously in New York in 1773. "Ye advocates for American liberty," it said, "rouse up, and espouse the cause of Humanity and general Liberty. . . . Ye ministers of the Gospel, . . . in vain will you command your flocks to offer up the incense of faith and charity, while they continue to mingle the sweat and blood of negro slaves with their sacrifices. . . . Put them in mind of the rod which was held over them a few years ago in the Stamp and Revenue Acts. Remember that national crimes require national punishments; and, without declaring what punishment awakes this evil, you may venture to assure them that it cannot pass with impunity, unless God shall cease to be just or merciful."

Jefferson was imbued with the same ideas. Virginia had abolished the slave-trade almost as soon as she asserted her independence. In 1777 he proposed, but failed to carry, in the Virginia legislature a plan of gradual emancipation. In his "Notes on Virginia,"* he wrote in the same spirit and without reserve: "I tremble," he said, "for my country, when I reflect that God is just"; and, looking forward to the chance of a servile insurrection, he added, "The Almighty has no attribute which can take side with us in such a contest."

There had been, in the first half of the eighteenth century, two such insurrections in South Carolina,† and as many in New York. During one of the latter, and after its close (in 1741), a hundred negroes were arrested for complicity in it; and prosecutions followed, resulting in burning thirteen of them alive in the city of New York and hanging eighteen more.‡

The negro at the North had been, with rare exceptions, humanely treated.§ He was better fed and housed than a quarter of the whites.‖ No instances are reported of extreme barbarity such as even then occasionally disgraced the South. General public sentiment in both sections of the country alike accepted the morality of slavery down to about the era of the New York insurrections and executions. These, followed by the free spirit of inquiry which preceded and accompanied the Revolution, upsetting, as it did, many theories previously accepted both in government

* Pages 129, 237.

† Holmes's "American Annals," ii. 1, 25, 146.

‡ Wendell Phillips's "Review of Webster's Seventh of March Speech," p. 20, note; Winsor's "Narrative and Critical History of America," v. 201.

§ Letters of an American Farmer, pp. 146, 154.

‖ Rev. Dr. Dana's "Discourse on the African Slave-trade," 1790, p. 31.

and religion, began to open the eyes of the Northern leaders of public thought. The fall of Calvinism as a living belief precipitated the fall of Northern slavery. The only moral argument in its favor perished when men ceased to feel that the unbaptized and unconverted heathen were inexorably predestined to pass at death into eternal misery among lost souls.

The slave-trade had been largely conducted in Northern ships. Dr. Samuel Hopkins was one of the first to attack it where it was strongest. Coming in 1770 to Newport, where it formed a principal branch of the traffic of the place,* he preached against its iniquity with all the boldness and power that characterized his singular philosophy of Christian doctrine; and in 1774 the Assembly of that State passed an act for its prohibition, so far as her own markets were concerned, though vessels sailing from Newport were engaged in the business as late as 1791.†

In Massachusetts the courts came to the negroes' aid in 1783, and held that the sonorous words of her constitution, proclaiming that all men are born free and equal and with an inalienable right to liberty, meant all men, and had of themselves put an end to slavery upon her soil. The other Northern States, in steady though slow succession, passed laws of gradual emancipation. So late, however, as the census of 1790, New York had nearly as many slaves as Georgia, and New Jersey as Kentucky.

Virginia was still the great slave-holding State, having nearly half the slaves of the whole country. Jefferson had manfully maintained his struggle against the system, but with slight success. In 1784 he proposed in the Congress of the Confederation that there should be no slavery in any of our Western Territories after 1800, but without avail; and when North Carolina ceded her claims to it, in 1790, it was under the condition "that no regulation made or to be made shall tend to emancipate slaves." The ordinance of 1787, for the government of the North-western Territory, happily spoke as to that in a very different language; and in the Constitution of the United States, framed the next year, the Northern delegates succeeded, at least, in excluding all reference to slavery by name.

William Pinkney in 1789 attacked slavery in the Maryland House of Representatives in a speech of great vigor, which was followed in the fall of the same year by the organization of the

* Channing's Lenox Address of 1842, on "Emancipation in the West Indies."

† American Museum, vol. ix., Appendix III., p. 39.

"Maryland Society for promoting the Abolition of Slavery and for the Relief of Free Negroes and Others unlawfully held in Bondage." Its constitution, after premising "that the present attention of Europe and America to slavery seems to constitute that crisis, in the minds of men, when the united endeavors of a few may greatly influence the public opinion," boldly asserted that "the human race, however varied in color or intellects, are all justly entitled to liberty; and it is the duty and the interest of nations and individuals enjoying every blessing of freedom to remove this dishonor of the Christian character from amongst them."* Among the original officers were Justice Samuel Chase, of the Supreme Court of the United States, and Luther Martin.

Similar societies were to be found, by the close of the eighteenth century, not only in most of the Northern States, but in Delaware and Virginia. They aimed only at promoting a public sentiment adverse to the continuance of slavery, and urging legislation in the several States in the direction of its gradual extinction, and by Congress to prevent Americans from engaging in the slave-trade.

Organizations of a very different character soon succeeded these. The Southern societies languished and died. At the North the new school of Abolitionists sought to achieve their object by political compulsion. In 1839 there were about seven thousand such men. By 1843 the number had increased fivefold, and a national convention was held at Buffalo by which nominations were made for President and Vice-President of the United States. A manifesto was prepared and published at this time, as their party platform, which shows a curious confusion of moral ideas, not seldom observed when good men combine to put down evil by questionable means. It reads thus: —

Whereas the Constitution of these United States is a series of agreements, covenants, or contracts between the people of the United States, each with all and all with each; and whereas it is a principle of universal morality that the moral laws of the Creator are paramount to all human laws, or, in the language of the Apostle, that "we ought to obey God rather than men"; and whereas the third clause of the second section of the fourth article of the Constitution of the United States — when construed as providing for the surrender of a fugitive slave — does "rest upon such a basis," in that it is a contract to rob a man of a natural right,— namely, his natural right to his own liberty,— and is, therefore, absolutely void,—

Therefore, Resolved, That we hereby give it to be distinctly understood, by

* American Museum, vol. viii., Appendix II., p. 6.

this nation and the world, that, as Abolitionists, considering that the strength of our cause lies in its righteousness, and our hope for it in our conformity to the Laws of God and our respect for the Rights of Man, we owe it to the sovereign Ruler of the Universe as a proof of our allegiance to him, in all our civil relations and offices, whether as private citizens or as public functionaries sworn to support the Constitution of the United States, to regard and treat the third clause of the fourth article of that instrument, whenever applied to the case of a fugitive slave, as utterly null and void, and, consequently, as forming no part of the Constitution of the United States, whenever we are called upon, or sworn, to support it.*

The South had strong reasons for hesitating to initiate the policy of emancipation. On the moral side, her churches generally adhered still to the older theology, and regarded slavery as a means of salvation from hell. On the sentimental side, they felt with justice that most masters treated their slaves with humanity. On the business side, they saw that emancipation meant an immense pecuniary loss to a large class of the community. On the political side, they dreaded the creation of so overwhelming a body of freemen out of a race totally unused to self-control or independent industry.

A great object-lesson was given them by England. It is now sixty years since the final act of emancipation in the British West Indies. In four years eight hundred thousand slaves had been made free, and no political disturbances had followed. As Dr. Channing said in 1842, in the stirring address at Lenox, with which he closed his long and splendid services to the cause of American morals, the friends of freedom in the United States had been oppressed by a vague dread of the dangers of emancipation, but the lesson which England had now taught us was the safety of emancipation.

But, while it gave new strength to the anti-slavery movement in the North, that very accession of vigor in the attack made the South draw back and adopt a policy of repulsion. Partly, no doubt, this was due to a misunderstanding on each side of the motives of the other.

Throughout the first quarter of this century, and, to a considerable extent, throughout the first third of it, there had continued to be a strong and outspoken anti-slavery sentiment in the northern tier of the Southern States. Those on the coast had each prohibited the importation of slaves from abroad;† and there was no

* The Junius Tracts, No. V., New York, 1843.

† Virginia was the first State in the world to pass such a law.

serious opposition to the abolition of the slave-trade by the United States when the time arrived when the Constitution permitted Congress to act in 1808, though it must be owned that some of the Southern States had been preparing for it by active importations, and South Carolina, with that view, had repealed her law against the trade in 1803.* Indeed, the subsequent violations of the Act of Congress lay often at the door of the North. There were Boston merchants who were engaged in the slave-trade under Portuguese colors in 1809.†

In 1818 the Governor of Georgia, in a message to the legislature, declared that the importation of slaves into the State was becoming every day more common, adding, "and it is a lamentable fact that this abominable traffic has so many advocates among us that an informer, or even an officer who would perform his duty by attempting to enforce the law, is by many considered as an officious meddler, and treated with derision and contempt." ‡

In 1820 participation by an American citizen in the slave-trade was made piracy by act of Congress; and our share in the traffic was never afterward a considerable one. Cargoes, however, were occasionally run in on foreign ships; § and so many, even of religious life or profession, were ready to connive at it that, so late as 1858, the Rule of Discipline of the Methodist Episcopal Church, South, which forbade participation in the slave-trade, was expunged by an almost unanimous vote. ‖

In truth, if slavery were morally right, it is hard to say why the slave-trade was morally wrong.

The South was never unanimous on the slavery question. Many in private and a few in public were ready to avow this opposition to its continued maintenance. Ringing speeches in favor of gradual emancipation, or emancipation of those born after a certain year, were occasionally heard in Southern legislatures down to 1832. Charles James Faulkner in that year spoke for emancipation in the House of Burgesses in Virginia with the same plainness used forty years before by Pinkney in Maryland, and with almost equal fire.

The Northern Abolitionists, when they began to organize, from 1825 to 1840, for an active crusade, were incapable of appreciating

* Address of the Abolition American Convention at Philadelphia, 1796, pp. 4, 5.

† Second Annual Report of American Colonization Society, p. 113. ‡ Ibid., p. 95.

§ It has been estimated that two hundred and fifty thousand blacks were thus surreptitiously imported from 1808 to 1862. Annual Report of American Historical Association for 1890, p. 83.

‖ Autobiography of Peter Cartwright, London ed., pp. 90, 210.

the value of such aid. They repelled it as half-hearted and Laodicean. As Dr. Bushnell plainly told them in 1839:* "The first sin of this organization was a sin of ill-manners. They did not go to work like Christian gentlemen. They went to work much as if they were going to drive the masters as they do their negroes."

They were a small body of extremists, unpopular at the North and abhorred by the South.

The first anti-slavery society in Boston, on the new plan of preparing for immediate abolition, was formed by only twelve men in 1831. Others followed, and the movement soon began to assume a national character. We must not forget that the generation then upon the stage at the North counted many among it who had been reared under the system of slavery, and had been themselves slave-holders or the sons of slave-holders. The colored population around them still had the failings and weaknesses that slavery brings. Ohio had, as late as 1834, a statute that excluded negroes as witnesses in any suit in which a citizen was interested. Connecticut the year before had enacted one prohibiting the instruction within its limits of any colored person not one of its inhabitants without the consent of the constables, justices of the peace, and selectmen of the town.† In Illinois marriages between whites and those of negro blood were not only declared void, but the parties contracting them were liable to whipping and imprisonment.

But no laws were needed for the negroes' degradation. The overwhelming sentiment of the community regarded them as an inferior race, of inferior morality.

It also deemed the question of emancipation no business of the North. The Constitution had not named slavery, but it had been so framed as to recognize and protect it as to every State in which it existed. There was no escape from the conclusion that it justified the fugitive slave laws which were passed from time to time, except in the doctrine that its provisions in that regard were nullified by a "higher law."

The Abolitionists of the Garrison school accepted the issue, and denounced the Constitution as "a covenant with death and an agreement with hell." This of itself served to cut them off from the law-abiding portion of the community. In several of the Northern States they soon found it difficult to find a place in

* Discourse on the Slavery Question, p. 7.

† See case of Crandall *v.* The State, 10 Conn. Law Reports, 339.

which to hold their public meetings. Owners of halls refused to let them for such a purpose. The Abolition Society of Pennsylvania met this embarrassment in 1838 by erecting a building of its own. Soon after its dedication a mob assembled, and set it on fire. The police made a feeble and ineffectual resistance, and the fire department hardly pretended to attempt to extinguish the conflagration.*

As the numbers of the abolition party grew in the North, the Southern legislatures anticipated every attack by stringent laws against so much as stating the case against slavery. A statute of Louisiana in 1844 provided:—

"If any person shall use any language, from the bar, bench, stage, or pulpit, or any other place, or hold any conversation having a tendency to promote discontent among free colored people, or insubordination among slaves, he may be imprisoned at hard labor, not less than three nor more than twenty-one years, or he may suffer death at the discretion of the court."

To those pursuing, in the interests of humanity, a lofty purpose, unshared by the community at large and opposed to statute law but one thing is needed for ultimate success,— persecution. The murder of Lovejoy in Illinois, in 1837, had put a sacred seal upon the mission of the Abolitionists. A political accident gave them a representative in the Senate of the United States. The assault on Sumner, as he was sitting at his desk, by a Congressman from South Carolina, served greatly to draw New England sympathy about them. The enforcement of the Fugitive Slave Law of 1850, in Massachusetts and New York, added fuel to the fire. A party was formed to secure free soil for the Territories of the United States. The South had an instinctive feeling that it meant more, and drew together. It was in vain that the President declared in his inaugural address: "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." It was in vain that Congress, with Lincoln's full concurrence, proposed to the States, for ratification, a new article of the Constitution, providing that "no amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish, or to interfere within any State, with the domestic institutions thereof, including that of persons

* Sargent's "Public Men and Events," ii. 60.

held to labor or service, by the laws of said State." Only three of the Northern States ratified it.*

It was true that the war was not begun, nor even waged, to suppress slavery. But it is true, also, that all men saw that the suppression of slavery might follow; and it is true that to many in the North it was a holy war from the outset, because they regarded it as a struggle for the freedom of every American, white or black.

So the destruction of the "Maine" was not the cause of our war with Spain, but it lay behind the cause. It waked the sentiment of vengeance, which had to be appeased. Popular feeling gives the life to war, and shapes its ends.

The North had convinced itself, I think, rightly, that it was not responsible for the sin of slavery; but it knew that slavery was sin. The South had convinced itself that slavery was an inheritance from the past for which the present generation was not responsible, that universal emancipation meant either anarchy or negro supremacy, and that the only rule of safety was to let things be. The conviction of the North was one of principle, that of the South one of expediency. The proclamation of emancipation was a military act; but it never would have been ratified by the people and incorporated in the Constitution of the United States, had it not appealed to their moral sense, nor, perhaps, would that have responded to the appeal, had it not been quickened and elevated by the labors of the Abolitionists through their various associations.

What Lieber called the "associative spirit" of the Anglo-Saxon has thrown the expression of American sentiments upon moral questions largely into the hands of societies and corporations. Some of them are purely of a benevolent nature: others put benevolence and business together.

Among the first of these was the Charitable Irish Society of Boston, founded in 1737, and that for promoting Industry and Frugality, organized there twelve years later.† In 1774 the Pennsylvania Abolition Society began the anti-slavery crusade. Early in the nineteenth century, several societies were organized in New England to promote a higher standard of popular morals.

* Annual Report of American Historical Association for 1896, ii. 196.

† Holmes's "American Annals," ii. 180. See Dwight's "Travels in New England and New York," iv. 390.

In Connecticut there was a State association of this kind, known as the Connecticut Society for the Promotion of Good Morals, which had a large and influential membership. In Portland, Maine, there was a local "Moral Society." One great object was like that of the Law and Order Leagues of the present day, to secure the faithful execution of the laws already existing for the protection of morals. Another was to advocate more stringent ones. In both a marked degree of success was soon attained, particularly in lessening the drink traffic.*

Associations like these are the work of men of ardent convictions and strong public spirit, animated by an earnest love for their country and their fellow-citizens. But such men are enthusiasts, and enthusiasm is not always wise or wisely directed. Every such association also has the inherent vice of irresponsibility. Their action — necessarily taken at brief and occasional meetings — is always inconsiderate, unless dominated and dictated by a few leaders who have agreed in advance how far it is safe to go, and are strong enough to enforce their decision upon their followers. "Truth," Dr. Bushnell once said, "is nowhere so loosely held or badly stated as you will find it in the resolutions of societies."

The same vice inheres in the mutual aid organizations and granges which have come to embrace so large a portion of our population. They have their policies not always well matured, and they speak for all their members.

It is estimated † that five million of our people belong to secret associations of a fraternal character, and that there is paid out of their treasuries, every year, over $940,000,000,— a sum greater than the highest value ever reached (that given by the last returns), vast as that is, of our exports of agricultural products. Many of these organizations are incorporated under the laws of the State in which they have their seat. For those reaching out into many States, which are of the form of trades-unions, incorporation is offered by an Act of Congress. All, whether chartered or not, proceed in the manner and with the power of corporate association.

In a certain measure all the organizations to which reference has been made substitute their own conscience for that of their individual members. There is a grave danger here. A collective morality which is not the sum of individual moralities is an unreal thing. A corporate conscience is tough.

*Sermon before the Connecticut Society, Oct. 16, 1816, by Rev. Noah Porter, p. 21.

† In the *North American Review* for May, 1897.

The movement known as Anti-Masonry, which followed the abduction of William Morgan in 1826, was an imposing evidence of the moral earnestness of our people. No society was more powerful than that which was attacked. Washington had been among its members. Its affiliations were world-wide. Its main objects were understood to be social and benevolent. But it was proved that at that time it made use of oaths imposing obligations which might conflict with those due to the State or even those imposed by the common rules of morality. A Mason of one of the higher degrees was thus bound to stand by a companion in distress, whether he be right or wrong, and to conceal his secrets given him in charge, as such, murder and treason not excepted; those of another, to avenge certain violations of the secrets of the lodge by the infliction of death on the offender. It was not asserted that the ordinary Mason assumed any such position; and one of these, William Wirt, was nominated in 1831 for the Presidency of the United States on the anti-Masonic platform. Only one State gave him the votes of its electors; but the result of the movement was to induce such a revision of the methods and rules of Masonry that it has since been seldom claimed that, if administered in their true spirit, they conflict in any way with the duty of the citizen.

The associative spirit has linked itself with the new economic conditions of the century by aggregating labor under the command of aggregated capital; and the industrial changes thus occasioned have had far-reaching effects upon the morals of the people. We have had a new thing to reckon with,—morals in the factory.

The history of not a few of our States during this century has been that of the transition of an agricultural people, scattered over small farms, to a manufacturing people, clustered in great towns. Such a process is always attended by great dangers, and with us these were doubled by the rapidity with which it has been accomplished.

It is necessarily a triumph of Collectivism over Individualism. It tends to lessen the sentiment of personal dignity, of self-reliance, of independence. It constitutes a society with fewer masters and more servants. It drives men, under the forces of steam and electricity, into becoming fellow-laborers with machines more powerful and skilful than they, which measure out to each

his work with a stern, unerring, inflexible monotony, which cannot but carry to the human toiler a certain feeling of subjection and depression.

Every such workshop is a school of fatalism. The sphinx of Ghizeh is not farther removed from human sympathy or the whole sphere of living things than the ponderous mechanism that, with every swing of the pendulum, silently thrusts forth its bit of wire with an inexorable demand for instant service.

He who spends his life by a factory bench, he whom we call an operative oftener than a man, is in grave danger of regarding himself as little but a mechanical appliance, and hardly thinking it worth while to strive to build up an individual character and reputation.

Temptations come to him that are unknown to the farmer, conspicuous in his isolated habitation and solitary toil. The personal life of the shop-hand, that gives him his place in the community, begins when the factory gate closes upon him as the sun goes down. He is like the beast of the forest that roams abroad only at night. His pleasures come to him indoors and by gas-light.

It is an artificial mode of existence. The farm laborer has poorer fare, worse shelter, less companionship; but he works with nature and in the open. He feels as he draws in the fresh air of the morning, and strikes his spade into the ground, that he is acting his part in the order of the universe as God made it. What he produces is, or may be, complete and perfect of its kind: the shop-hand turns out only perfect parts, which, to be worth anything, must be put with other parts, made by other hands.

This mutual dependence of the operatives in a factory, each useless without the rest, throws them naturally into combinations in trades-unions and lodge-rooms, and sets up a new ethical standard. It is that of their common opinion, manifested by a majority vote, or declared by officers whom they may have chosen to direct their affairs. This cannot but tend to lessen the sense of personal responsibility. A man who engages in a strike or boycott may not approve it. It is enough for him if it has been voted by the union. Or it may seem to him the only manly course; and yet, if the union votes to abandon it, he must submit.

His morality tends to reflect the collective morality of a class. It may be that the monotony of his daily toil, which leaves his mind untaxed, leaves it also, when the day is over, the more fresh and free to engage in the consideration of the real problems of

life, as he reads his evening newspaper or enters into the discussions of his union.* But he is not a unit of social, political, or moral power. He is one of a class in the factory. He is one of a class, and the same class, out of the factory.

And how have the factory system and those new methods that have grown up with it of concentrating trade at a few centres, and throwing the work of the world under the control of a few men, backed by the capital of many, massed in the keeping of corporations, acted upon the morals of the employer?

Is his fundamental rule that competition is the law of business, and that, when combination is possible, competition is impossible, ethically sound?

Fair competition on an equal field cannot be immoral. But is it right for the successful trader to drive a rival out of business by temporarily lowering his prices until he is ruined, and then restoring them to their old level? Is a condition of society accordant to morality, asks many a workingman, which is so arranged that the wealth of the entire community is sure to gravitate finally into the hands of a few, and the population to consist of a handful of millionaires among myriads of wage-earners, who are only one step above pauperism? This is the state to which the school represented by the *American Fabian* would have us believe our country is steadily advancing. Whether such may or may not be the tendency of things in other lands, where their institutions are intertwined with an hereditary aristocracy, such speculations have no place in the United States. Our deeply settled principles of liberty of contract, equal inheritance, and the prohibition of perpetuities in the interest of any private family, absolutely exclude them. Any man who looks around among his neighbors will see how seldom it is that the great-grandchildren of a rich man are rich themselves. Wealth may descend for two generations, growing less with each; but rarely, indeed, is it held by the third.

It was one of the early sayings of Carlyle that loyalty was the highest principle that unfolds itself in human nature, in a temporal and secular point of view; for it is the only enduring basis of civil society. He defined it as a feeling whereby those who are worthy are reverenced by those who are capable of reverence.†

*This view is ably presented by Starr Hoyt Nichols in an article on "Men and Machinery" n the *North American Review* for May, 1898.

† History of Literature, p. 70.

The moral tone of a nation is ordinarily high, if among a people of intelligence their civil rulers are their heroes. This is only possible where public opinion is simple, wholesome, generous, trustful. Washington was more deeply reverenced as President than he ever was as commander-in-chief of the army of the Revolution. Jefferson came next to him in the hearts of the people. They never forgot who wrote the Declaration of Independence. They felt that he believed in them. The third and last who has filled such a place in our country was Abraham Lincoln.

As against Washington, no sentiment of disloyalty can be said ever to have had any real existence. Jefferson was not so fortunate. His election to the Presidency was the fruit of a bitter contest,— bitterest at its very end. And, since his day, such has been the development of party machinery that to bespatter one set of public men with undiscriminating praise and another with undiscriminating abuse has become largely the work of political journals and political platforms. The habit has spread also through the whole community. We are slow to think well, swift to think evil, of the man against whom we cast our vote. From the President down to the constable and common councilman, we look at men in office through party spectacles.

Since the exposure of the Tweed ring in New York, through the efforts of the New York *Times* in 1871, the pessimistic view of municipal government, particularly in America, has become the prevailing one. The word "alderman" can hardly be mentioned by some of our reviewers without a sneer.

The municipal council of New York recently adopted an ordinance making it a criminal offence to swear or use vile language in the public streets or on any public conveyance. The question readily suggests itself whether it is a sign that profanity is increasing among the people or morality in boards of councilmen. One of the religious weeklies,* in alluding to this action, hinted at a third mode of explanation, and remarked that "a Tammany legislature concerned with the morals of men is a spectacle to make devils laugh and angels weep." I strongly deprecate criticisms like this, on the part of the press, of our modes of municipal government. It is doubly unfortunate when it comes from a journal which professes to speak for a religious denomination. We have no king on whose public acts it is inadmissible to reflect, and whom the people can regard as blameless for the errors of his ministers. The existence of Queen Victoria, of Emperor William,

*The Boston *Congregationalist* of July 28, 1898.

is a safeguard to the spirit of reverence and loyalty in their people. We in America, with our division and subdivision of government, may speak with disrespect of any who bear rule; and, therefore, after election day is over, we should speak with disrespect of none. During the canvass every candidate for office is on trial. After a new administration comes in, whether it be national, State, or municipal, it stands for the law; and in a republic the law is nothing unless the people hold it in reverence and respect. To obtain this, nothing is more helpful than a tolerant and charitable spirit on the part of those whose position makes them leaders of public opinion, imputing no bad motive for good acts. The want of it has from the first been a characteristic of New England, though it was once less necessary than now, because the methods of government were more summary and personal. Cotton Mather remarked strongly upon this fault, saying that New England had been always "a province very talkative and ingenious for the vilifying of its public servants."*

It is always easier to censure than to praise. The fault-finding habit, which so often destroys the peace of the family and drives love out of the home, is as immoral in a nation as in a household. It is perhaps more so; for it chills hero-worship, and we need that in every government to vivify and unify it.

This year has witnessed the death of the two greatest statesmen of the age,— Bismarck, the creator of the new German empire, and Gladstone, the creator of the new British republic. Each had played a great part in shaping the history of the century which gave them birth and which they so nearly outlived. Bismarck gave Germany universal suffrage. Gladstone gave England only household or tenant suffrage. Why did the imperialist go farther than the English parliamentarian? Because he was also building up and fortifying at new points the personal power of the sovereign. Gladstone could not suddenly introduce into a government, whose supreme authority was in the House of Commons, the principle of manhood suffrage, unless he, too, was ready to give the queen, or to restore to her, powers lost since the last reign of the Stuart dynasty.

Yet could or did the rank and file of the English people appreciate this difference between the policies of Gladstone and Bismarck? Or did they look simply at the extension of parliamentary suffrage by itself?

* Magnalia, i. 201.

The people, the whole people, cannot quickly apprehend the bearings of any complicated political problem. Their judgment is a woman's judgment,— apt to be right, but not because it has been reasoned out.

For this cause, if for no other, the citizen of a popular government owes it to his country, as a moral duty, to show respect, not only to the law, but to the makers of the law. They are probably better informed than he as to the circumstances that seemed to call for any action that he may be disposed to censure. He ought to give them the benefit of every presumption that they are acting honestly, at least, before he condemns.

I do not think that incompetence, dishonesty, or fraud can be charged against the public officers of our day to any greater extent than against those holding similar positions in any and all of the previous years of American history. As there are continually more and more of them, there must be continually more and more who are unfit for their places; but the proportion has not essentially changed. Those who have been led to any different conclusion fail, I believe, to remember that every newspaper is now a political detective, and few rascals can escape with public plunder undiscovered or unsuspected by the ubiquitous reporter.

Governor Pott, of Virginia, was tried and convicted for cattle-stealing in 1630, four months after he was out of office.*

Chief Justice More, of Pennsylvania, was impeached for gross partiality in 1684, and the council requested by the Assembly to remove him from office, the speaker describing him as a "corrupt minister of State." †

Sir William Keith, governor of the same province early in the next century, is one of the figures that Franklin has embalmed for us in his matchless autobiography. What American governor of our day could have descended so low as to send a young printer, almost a boy, out to London, to secure an outfit on which to set up a printing-office for himself, by promising him a letter of credit for the cost, when he had no credit to give, and no intention of even so much as furnishing the letter?

A few years later we find in the journals of the House of Representatives of Massachusetts complaints that the officers in the colony militia, from the highest to the lowest, abused their position to make illegal charges and demand improper perquisites, extorting a commission from their men for giving them their pay,

* Winsor's History of America, iii. 146. † Ibid.

taking money for their discharge, and making false muster rolls.* Positions in the army were sought by those who wished to make the most of these opportunities. General Warren, who was president of the Provincial Congress of Massachusetts in 1775, often said that he never till then had any idea or suspicion of the selfishness of his countrymen or their impatient eagerness for commissions.†

In 1770 a report to the North Carolina legislature showed the sheriffs in different counties to be defaulters to the amount in all of nearly £50,000.‡ In 1795 the whole legislature of Georgia united in selling to themselves, for half a million dollars, what now constitutes half of the two States of Alabama and Mississippi. I say to themselves; for, while the contracts were made with four great companies, every member of the legislature, with a single exception, shared in the stock of one or more of them.§

John Adams wrote to a friend in 1777, while a member of the Continental Congress, that whoever knew America knew that she entered on the Revolutionary struggle "infected with that selfishness, corruption, and venality (so unfriendly to the new governments she must assume) which have been the bane of Great Britain." ‖ In his old age, under the same convictions, he told a young friend in Congress, who sought his advice as one of the fathers of the republic, that the fathers were no better than their sons. "We had," he said, "as many poor creatures and selfish beings in proportion among us as you have among you; nor were there then more enlightened men, or in greater number in proportion, than there are now." ¶

In this century one of our early Vice-Presidents, if not guilty of treason, certainly came but little short of it. Another was a notorious drunkard.

A Kentucky judge, while Spain still held New Orleans, was found to have been her pensioner and spy.

No defalcation of any federal officer has exceeded that of Samuel Swartwout as collector of New York under General Jackson, or been more directly connected with political corruption. The total amount of his shortages reached $1,200,000. He absconded to Europe, followed soon by William M. Price, the district attorney for the Southern District of New York, who was a defaulter in that office to the amount of $75,000.

* Douglass's Summary, ii. 500, note. † John Adams's Life and Works, ix. 633.
‡ Annual Report of American Historical Association for 1894, p. 152. § Ibid. 1891, p. 173.
‖ Life and Works, ix. 458. ¶ Ibid., 630.

But the true weight of defalcations in office as a criterion of public morals is less their commission than the manner in which they are dealt with by the government and regarded by the community. In 1836 the receiver of public moneys at Fort Wayne became a defaulter. The Secretary of the Treasury ordered an investigation, and, while it was pending, received a letter from one of the senators from Indiana, concluding thus: "I do not believe that he has intentionally either done wrong or violated his instructions. It would to some extent produce excitement if he were removed; for he has many warm and influential friends both at Fort Wayne and in Dearborn County, from which he removed to his present residence. Better let it be." The answer of the Secretary contained no word of rebuke, and said that the receiver's "explanations have been such that he will probably continue in office."* A national election was to take place in two months, and the three men were all members of the party in power.

In 1837 the Secretary of the Treasury sent out an inspector to examine the condition of the various land offices. In one of these, in Mississippi, the receiver, Gordon D. Boyd, was found to be in default to the amount of over $50,000. His predecessor had been also guilty of a serious misappropriation. The inspector's report contained this recommendation: "The man seems really penitent; and I am inclined to think, in common with his friends, that he is honest, and has been led away from his duty by the example of his predecessor, and a certain looseness in the code of morality, which here does not move in so limited a circle as it does with us at home. Another receiver would probably follow in the footsteps of the two. You will not, therefore, be surprised if I recommend his being retained in preference to another appointment; for he has his hands full now, and will not feel disposed to speculate any more." †

It would have been simply impossible for such a report to be made to a cabinet officer at any time since, at the latest, the close of the first century of the existence of the United States.

The last conspicuous instances of corruption in our great offices of State were those furnished by John B. Floyd, the Secretary of War under Buchanan, and William W. Belknap, who filled the same position under Grant. Between them came the *Crédit Mobilier* scandal, which, while more was charged than established, constituted, nevertheless, the greatest reproach that has yet come

* Memoirs of S. S. Prentiss, ii. 17. † Ibid., 29.

on the Congress of the United States. It furnishes, however, strong proof of the morals of the people in the universal outburst of indignation with which it was received, before which more than one of the accused, who had borne good names and high office, stooped to lie rather than own themselves guilty of a more venial fault.

Our people, our newspapers, and our reviewers, in their attitude of outspoken judges of public characters, are at least free from that spirit of conventional hypocrisy which rules so much of what is said under similar circumstances in foreign society or by the foreign press. Mr. Bryce has not hesitated to say in his "American Commonwealth"* that England has two quite distinct and contrary moralities for public life, one publicly assumed and one privately avowed and acted upon. The official may be treated with respect in the review and with contempt by the reviewer. His acts may be described as honest in print, and laughed over in private as a successful bit of roguery that helped the party, and makes him all the more valuable as its representative. Nothing of this kind would be tolerated here among decent men.

Free as have been our criticisms of public men and measures, and deep as has often been the popular discontent of which it was the voice, criticism and discontent have seldom led to sedition. The North Carolina Regulators of 1771; Shays's Rebellion in Massachusetts, in 1787; the Whiskey Insurrection in Pennsylvania in 1794; the New York anti-rent disturbances of 1839; the Homestead riots of a few years since,—these are the main incidents of that description to be gathered in the history of three centuries.

The misdoings of the private citizen in his political relations, and of the candidate for office, must not be passed over.

It is safe to say that they have never been as great as those which once disgraced the parliamentary elections of England. It is true also that they are greater than those which can be charged against her parliamentary elections now.

Corruption in elections, it is to be feared, is a necessary incident of party government, if by corruption we mean every influence used to obtain a vote other than that due to the merits of the candidate.

Washington's first seat in the Virginia legislature was gained by the distribution of unlimited punch.† Many an election in every

* Vol. ii. 206.

† Ford's "True George Washington," p. 297.

State has been secured by promises of political favors or understandings that were tantamount to a pledge. But the downright payment of money or money's worth has always been confined within narrow bounds, and generally gilded over by the pretence of paying for the time lost from labor in going to the polls. What of this there is we find in the country more than in the city. The light kills it, and the city is the place of light.

Fraud in the conduct of elections it is often more difficult to detect; but it is safe to say that it has never taken permanent hold with us of any community, except in regard to the negro vote in the South. The preponderance of the colored population there, joined to their want of education and general intelligence, made their government of the Southern States in the period of reconstruction confessed misgovernment. The Southern whites determined to regain political control, and they have too often disregarded moral honesty to obtain it. Of late years, however, they have reverted, in the true spirit of Americans, to methods of legal redress, and by constitutional provisions have begun to limit suffrage to those who know enough to use it rightly. Indirectly, this excludes the ordinary negro; but they are furnishing him with schools at the expense of the State, at which his children may fit themselves to share it with the whites.

We have encountered in full force the problem with which all thinking peoples have to deal,— that of the duty of public characters of whom is required adhesion to ancient declarations of belief or rules of conduct which they are unable to accept, or to accept in the sense in which they were originally framed and promulgated. The augurs of Rome, who did not pretend to veil from each other their contempt for the ignoble search they professed to make for divine oracles in the carcass of a slaughtered fowl, the mediæval priest, at the same eternal city, by the side of Luther at the mass, who muttered, "Panis es, Panis manebis,"— have these men not had their lineal successors in American pulpits?

Our conditions of society, however, have furnished an easy method of escape. The minister of one denomination can readily pass into a minister of another, and with little or no loss of social caste.

The doctrine, too, of creed subscription for substance of doctrine finds wider and wider acceptance. There are, happily, few extended and systematic articles of belief, that have obtained

ecclesiastical sanction in any English-speaking lands, which have not been the fruit of compromise, and do not bear the evidence of it on their face.

The Thirty-nine Articles of the Church of England can hardly be said to be fully consistent with themselves. They were pronounced in the century which followed their adoption by an English priest, who afterward became a bishop, mere "articles of peace," subscription to which simply meant that you would not preach against any of the doctrines which they affirmed.*

The foundation creed of Andover Theological Seminary declares that God of his mere good pleasure from all eternity elected some to everlasting life, but that the wicked will "with devils be plunged into the lake that burneth with fire and brimstone forever and ever." But it declares also that the Saviour came to make atonement for the sins of all men, and, in thus stating two apparently inconsistent doctrines, necessarily leaves to the professors, who are bound to accept it, to choose between them, or to reconcile them with each other, as their judgment may best approve.

Our political system of frequent conventions of parties or party organizations, each putting forth a platform for the campaign, is also a fruitful source of disquiet to those who are to stand upon it before the people. Half that is said in them is not meant: half that is meant is not said. Generalities constitute the favorite mode of expression; and the best phrase is that which, like the utterances of the Delphic oracles, may catch its meaning from the event. At the convention of the National Republican League last month, if I may venture to allude to contemporary history, a platform was adopted which alluded in much this way to the question of what we are to do with our conquests of Spanish territory. The newspapers tell us that the President of the United States was first consulted as to what he cared to have said upon this subject, and that he declined to recommend anything except ambiguity. It is not improbable that this story is without foundation; but that it has been widely published and received as an item of current news, without remark, may serve to show that the American people are content with meaningless or ambiguous platforms and with those who interpret them to suit themselves.

The same difficulty arises under our written constitutions, and

*The Bishop of Ely.

has made them often prove an occasion of temptation to the legislator.

A law, for instance, is desired to meet a special case in a State whose constitution provides against all special legislation. A general statute might be enacted, which would cover this and every similar case; but it is felt that such a statute would be unwise. What then? The ingenuity of the friends of the measure suggests a bill to apply to all cases of a certain class, and limits this class so closely by description that, in fact, it must consist of a single one. Thus in Ohio, where such a constitution exists, a law was passed, a few years ago, authorizing any municipal corporation having a population by the last preceding census of the United States of 10,938 to buy land and build machine-shops upon it, for lease or sale to a railroad company. Can any one fancy that there was more than one city there with precisely 10,938 inhabitants? So the Indiana constitution postpones the taking of effect of any law until it has been printed and published by authority, except in case of an emergency, to be stated in the law itself. At a recent session of the Indiana legislature more than three-fourths of the Acts contained a declaration that an emergency existed for their going into immediate effect.

Such devices are probably unconstitutional; but, whether so or not, must we not stamp them as immoral, practically destroying, as they do, a safeguard against unwise legislation, which the men who planned them had sworn to support?

I have sought to put before you in rough and necessarily * imperfect outline what a history of American morals, whenever it is written, must include, and what judgments it may be expected to pronounce. Such a history for any people through a course of three centuries can be but slowly traced. Let me, before I close, emphasize what stands out as the controlling forces by which American character has been shaped.

Goethe has said human history has no other theme than the varying contest between the principles of belief and unbelief. When belief — the belief of the heart in the things of the heart — is in the ascendant, the age is marked by great, soul-stirring events, worthy of perpetual remembrance. An age of unbelief succeeds, and it is unproductive and intrinsically mean: it has nothing to feed the spirit of man, which starves itself away in ignoble silence and atrophy.

* A considerable part of this address was omitted in delivery.

There was a day when belief was the spring of action for the dwellers on this continent,— for those who came here to found homes for themselves and their posterity. Goethe has described it for us. Narrow as was their field, few as were their numbers, they dealt in things that were essentially great; and they dealt with them in a great way. We stand with reverence at Plymouth Rock. We read with a respect unabated by a conviction of its intrinsic error the story of the covenant which founded the colony of New Haven upon its seven pillars. In the century that followed we see belief in the civil rights of Englishmen rising into belief in the inalienable rights of man, and flashing out, with the gleam of the sword taken from its scabbard, into the glories of the Revolution. In our own time, belief in our national ideas flamed up for four bright years — bright amid all the storm they brought — in the Civil War, and refounded the United States upon the only freedom that deserves the name,— freedom for all.

But have these heroic eras in our history been distinguished for moral excellence?

What is morality? If it be conformity to the standards of conduct prescribed by what for the time being is the ruling sentiment of the community, the age of the Puritans was moral; but it was not so with that of the Revolution or of the Civil War. How has it been with ourselves in these days of trial, of great deeds and new ambitions, of national extension by conquest, of the excitement of glorious victory in new fields?

War, at its best, lifts the soul above selfishness, but not toward God. God is Love. War is the destruction of man by man, the innocent with the guilty. You recollect what General Sherman said of it a generation ago,— "War is hell." Its profoundest history is not written in battles and treaties. Those who fight are in the foreground of the picture, lit up by the glare of the contest; but what are those figures in the background? What of the greater army of camp-followers and contractors, of speculators in loans, of defaulters in office and defaulters in trade? The sutler may cut a mark on national character deeper than the general.

There was no American whose heart did not swell with pride when he heard of what Dewey did at Manila, and Sampson's fleet, from the great "Oregon," plunging through the seas on its long chase, down to the little "Gloucester," flying like a game-cock at the torpedo-boat destroyers off Santiago de Cuba. There are many who took new courage for the future as they read of

Captain Philip hushing the cheers that rose on the "Texas" when the Spanish ships were stranded before their eyes and their men struggling in the surf, as he reminded his crew that "the poor devils were dying," and calling them, instead, to uncover and give a moment to silent thanksgiving to God for the great victory they had won. But who knows anything of the life of camps who does not know that ours during these past months, like all others in human history, have been often the scene of the bad in word and the bad in conduct, and that deeds have been done and habits formed, by not a few, of which their friends at home would hear with sorrow and dismay?

We have been educating ourselves into new beliefs. We are possessed by them, ruled by them. We believe that our country is not measured by the breadth of the continent. We believe that the islands that fringe its coasts, and those remoter still,—which, in unfriendly hands, might threaten its security,—may rightfully, as occasion offers, be incorporated into the United States. We believe that our people have duties of humanity toward other people, duties that may justify a war to free them, by the strong hand, from bad or cruel government. We believe that the United States are something more and greater than the States which are united under their flag, and that the American people may acquire and hold territory anywhere upon the globe which is needed to serve their navy or promote their commerce.

Are we the better, morally, for these beliefs? Do they make us more regardful of the rights of others, more charitable in our construction of others' conduct, more heedful of our own?

Belief may rest on faith, it may rest on imagination, it may rest on knowledge. Napoleon said, "C'est l'imagination qui gouverne le genre humain." It does not govern the beliefs that rule American life. We reason out our conclusions, except as we inherit them. Imagination may occasionally hurry us into acts of enthusiasm. Our settled habits and modes of thought are regulated by higher things.

"I have generally," says Carlyle, "found that morals in a man are the counterpart of the intellect that is in him."*

The best educated, the most intelligent people should be the most moral people. There are countries where individual men

* History of Literature, p. 158.

have gone farther in learning and in intellectual greatness than any American has yet reached, but there are none where illiteracy is so rare. I do not ignore that of the American negro. It has not been his fault. It will not long be his misfortune. But, when we speak of American morals, we do not count the colored men of the South as Americans. They will win the name, but they have not yet made out their title.

The morals of our people reflect their intellectual ability, but we must look deeper for their source and spring. As we review their course, we cannot but see that it has been largely shaped by religious influences, and especially by those under which New England was originally settled.

Virginia was the pioneer in representative government. It set the style of morals also in their early days for most of the Southern States west of the Alleghanies. But it was a morality either for the rich or for the frontiersman, and always a morality from the slaveholder. It wanted that support which Carlyle named as so essential. Sir William Berkeley, her governor for forty years, expressed the views of her ruling class when he wrote of her condition in 1671 to the Lords of the Committee of the Colonies, "I thank God there are no free schools nor printing."* That which in America as a whole belongs to the small farmer working with his own hands, to the village tradesman, to the factory mechanic, to the thickly settled and established community, be it North or South, comes down from John Calvin and John Knox through the Plymouth Separatist, the Massachusetts Puritan, the Scotch Presbyterian, and the Huguenot.

The sternness of the Puritan theology time has softened. The rigor with which it clad human life has worn away. But the strong sense of personal duty which it imposed, and the reverence for the Bible which it taught so well, remain.

Sunday is a day of rest and quiet for most of our people because of the Puritan. They may care nothing for its religious sanction, but they have inherited it from those who did.

Licentiousness, intemperance, gambling, brutality in sport, impatience of law, contempt of authority,—if these are not destructive features of American society, it is in no small part because of the share of New England in planting the great States that lie west of the Hudson, and of the leaven of Calvinism that the Presbyterian and the Huguenot of the Carolinas introduced into the South.

* Holmes, "American Annals," i. 410.

Three nations of antiquity, above all others, have stamped themselves upon the modern world: Greece, in thought; Rome, in law; Israel, in religion.

It is fortunate for America that the founders drew less from Greece than from Rome, less from the Romans than from the Hebrew. From everything that was Greek their theology repelled them, founded as that was in the Latin Church, cast by Calvin in Latin form, and permeated by no sense of beauty except the beauty of holiness. The governing and conquering spirit of Rome they had; and the Hebrew Scriptures gave them the Lord God Jehovah for their leader, and told them, by the lips of Moses, that law and religion were one. They may have thought the lesson was that State and Church were one, but the vital truth outlasted their misconception of it.

If American morality is sound and high, as I believe it is, it is for one thing, and for the main thing, because it rests on Plymouth Rock.

ANNUAL REPORT OF THE GENERAL SECRETARY,

REV. FREDERICK STANLEY ROOT, M.A., OF NEW YORK.

[Read Monday evening, August 29.]

In presenting my first annual report as General Secretary of the American Social Science Association, I am fully conscious of the lack of accumulated experience in office which, joined to signal literary capacity, rendered the work of my predecessor, Hon. F. B. Sanborn, so permanently beneficial to the best interests of the organization. But my encouragement lies in the fact that new incentives, fresh opportunities, and opening vistas of useful development confront every man who undertakes his labors *con amore*, and that all questions of social progress in their last analysis are questions largely dependent for their solution upon the closer study of the basic principles of human nature, and also upon the adoption of methods of social amelioration and improvement that are to-day thoroughly practicable. Thus the work of suggesting and, to some extent, of shaping the line of policy to be pursued by this society, while belonging in the period of inception to the wisdom and judgment of the Executive Board, passes over to the province of the General Secretary for executive detail and consummation. And, on this view of his office, experience — generally, the indispensable requisite of efficiency — may at least recoup from zeal, energy, and adaptability some portion of the loss. Such zeal and energy, I hope, will be mine in furthering the aims of an Association whose expert papers and essays for a period of twenty-five years have boldly and ably met the most vital, the most pregnant, and, I may add, the most ominous of sociological, economic, sanitary, and judicial problems. It is the powerful and striking observation of Wendell Phillips that "statutes are milestones, showing how far yesterday's thought has traveled." It may be said with equal pertinency that the expert papers submitted at annual conferences of societies like our own are thought-milestones, blazing out the path which social science has followed in its effort to determine the right relation of the unit to the mass, the State to the individual,

the most favored to the least favored of God's creatures. Not that social science is an exact science, nor that it is as a definite term yet removed from cloud-land, but that the condition of its present knowledge as evinced in such papers is a tolerably complete compendium of what it knows and can do for man in his multiform social relations. And, if the members of the Social Science Association and the public at large will take the trouble to examine the list of papers indexed in each number of the *Social Science Journal*, it will be discovered that since 1865, when the Association was founded, between seven hundred and one thousand essays have been published under our auspices, many of them by the foremost thinkers in America, and dealing with almost every conceivable phase of human progress. And I may add, in passing, although it is often urged by writers of pessimistic tendencies that the materialistic wave creeps upon the shores of our civilization with ever-increasing volume and surge, and that what Emerson calls the age of "Tammany Hall, the omnibus, and the third person plural" waxes grosser with the waning centuries, still, the wonderful growth of learned societies in our country, both in membership and influence, promises a brighter future for humanitarian and scholastic ideals. For to-day we have no fewer than forty such societies, ranging in numbers from two hundred to two thousand each, some of which, and not by any means the least important, are offshoots from this organization as the parent stem.

Nor should it be forgotten that the purpose and mission of this particular body is the discussion and investigation of all subjects pertaining to social science, and that its traditional policy is never to commit itself to any dogmatic declaration of belief in regard to the questions which may come under its examination. We are, most happily, thought-free as to the nature of topics debated and hospitable to every method of treatment, provided such method does not violate the canons of dignity and good taste which have been so largely in evidence at every meeting of the Association. Most of us recall the noble aphorism of Philip Gilbert Hamerton, who says, in "The Intellectual Life," "I look upon an opponent, not as an enemy to be repelled, but as a torch-bearer, bringing whatever light he may to enlighten my ignorance." And, certainly, no greater proof of the open-mindedness of the Association to every form and phase of modern thought can be afforded than is presented by the fact that we have heard with serenity and rewarded with generous applause advocates of economic theories

so widely divergent as those maintained by Henry George, Edward Atkinson, and Samuel Gompers. As long as we adhere to this policy, and avoid what Arthur Helps designates contemptuously as "large, fluent, unhesitating dogmatism," which marches advanced thinkers out of court by the ears, we need not fear that our Association will lack an intelligent and wide-orbed constituency of intelligent men and women.

But leaving the larger and more general aspects of our work as a society, and descending to some details of a wholly practical character, it may be of interest, first of all, to know exactly our status at the present time in the matter of prospects, business, organization, and membership. During the year we have held two meetings of the General Council, one in New York, Dec. 17, 1897, and the other at Woodmont, Conn., July 6. At each of these meetings several affairs of prime importance were considered. On motion of the Hon. Oscar S. Straus it was voted that the Association seek to establish a reserve fund, the principal and interest thereof to be used for such purposes of the Association as the Council might determine. The motive of this resolution must be referred to the consideration that the work of the society in the past and its ability to publish and disseminate literature has been greatly restricted for lack of sufficient funds. In conformity to instructions, an appeal to members was made by your General Secretary; and a sum of money has been received for the purpose named, which, to date, is but a nucleus. But within a very recent period we have received from the executors of the estate of the late John W. Carter the sum of $500, which sum, by vote of Council, is invested and held permanently as part of the publication fund of the Association, the income thereof to be devoted to publication uses from year to year. The constantly diminishing earning power of money will make it obvious to all interested persons that the tractarian movement in the American Social Science Association will never attain large renown without substantial addition to the generous bequest of Mr. Carter.

A single illustration out of many available will show the necessity of a generous reserve for publication purposes. Certain numbers of our Journal are not only rare, but they are virtually unobtainable. This is notably the case with No. 27, which contains a symposium on the "Single Tax," the participants being men of national eminence in their several fields. There is a steady but limited demand for this issue of the Journal; and your

Secretary is of the opinion that a reprint of this debate, as well as a reprint of certain sections of other rare numbers, would be advisable.

And it may be remarked at this point that it might be well to consider whether, upon the whole, the selling price of the Journal in the general market is at a higher figure than may be compatible with large distribution. It is also pertinent to inquire whether a portion of the cost of printing could not be defrayed, and without the loss of dignity attaching to high-class publication, by securing, if possible, advertisements from book concerns and general publishers, and then, by the enlargement of the editorial work of your Secretary, place the Social Science Journal upon the counters of the booksellers, thus hoping to secure distinct recognition in the literary market along with other magazines no more varied in contents.

At the council meeting in New York it was also voted that the matter of incorporating the Association be referred to a committee, consisting of President Baldwin, Vice-President Kingsbury, and the General Secretary. Steps were immediately taken to secure the accomplishment of this end, and with the following result: a charter was favorably reported by the Senate Committee, and passed that body; the House Committee voted to report favorably on it also, but the pressure of business incident to the war and other causes prevented the report from being made. If in the months before us progress is effected, information of such progress will be communicated at the winter meeting of the Council.

There is no present necessity that I should refer in detail to the proceedings of the council meeting held at Woodmont on the sixth day of last July. Some plans and suggestions looking to the enlargement of the *clientèle* and the extension of the influence of the Association were definitely shaped; and before our adjournment on Friday next, under the head of miscellaneous business, there may come up for consideration certain measures relative thereto. One incident of the July council occasioned keen regret. I refer to the resignation of the office of Treasurer of the Association by Mr. Anson Phelps Stokes. Mr. Stokes was led to this decision by the pressure of business cares and responsibilities; and after some years of valued service, signalized by much generosity to the Association, his resignation was reluctantly accepted. We are fortunate, however in securing as his successor, Mr. W. C. Le Gendre, of New York, whose wide experience in financial affairs

guarantees the expert discharge of all duties belonging to the position.

With reference to the membership of the Association I have to report that since the beginning of our Association year there have been added to the roll of members one hundred and forty-five new names. Owing to causes beyond his control, your Secretary has been unable as yet to make a thorough-going revision of the membership list; but at present writing, including all classes of members upon our books, the total census falls a little short of four hundred, about the strength of the American Philosophical Society and the American Philological Association and considerably larger than that of half a dozen societies of national renown. I mention this to show that our leakage in point of numbers up to a recent period, due in great measures to the formation of new associations out of our very loins, is not in itself a staggering or discouraging fact. And I am fully persuaded that large accessions to our ranks will follow enthusiastic and persistent effort on the part of the friends of the Association to recruit our lists. If every present active member of the American Social Science Association would carefully select ten names of persons known to him as interested in the problems we are debating from year to year, and report such names to your Secretary, I am confident that a considerable fraction would ultimately be enrolled on our books. When the method of the resumption of specie payments was under discussion, Horace Greeley remarked in his inimitably quaint fashion, "The way to resume is to resume." Yea, verily, the way to get new members is to get them; and as the secretary of an organization is neither Argus-eyed, nor a Briareus with the hundred arms, nor octopus-like in wide-spreading in-gathering sweep of his official tentacles, it is *imperative* that each member of this Association shall be solicitous in selecting those who will be glad to avail themselves of the privileges of this body. I put this matter before you strongly; for, in past years, it seems to have been tacitly assumed that the Secretary alone was responsible for the increase of membership. And in the course of the year I hope to test in a very practical fashion the willingness of gentlemen belonging to the Association to assist in the enlargement of its constituency.

But I cannot surrender this report to the official archives without submitting for your consideration certain brief recommenda-

tions of a general nature. Not that I assume agreement: I only ask a hearing. And from the view-point of a Secretary not yet thoroughly acclimated, so to speak, to his environment, I hold, first of all, that the American Social Science Association should have a local habitation.

As long as your Secretary is a resident of New York, but not a householder, an office — even though it be a seven by nine room in the business quarter of the city — is almost indispensable, or will be when the funds of the Association warrant the outlay. We have already a number of valued exchanges, and could easily secure more. Back numbers of magazines accumulate, some of them not infrequently called for. Correspondence for the current year has largely increased. A placard of some description invites attention to what individuals and societies are doing. And I urge that, when one has no room for such accumulations except upon the floor of his private winter quarters, and no sign of his official connection whatever, some confusion and awkwardness of adjustment will inevitably ensue. Few societies of our standing and achievement are thus handicapped; and it would be a distinct gain to our solidity if some ardent and financially endowed member of the Association would supply the wherewithal to furnish and equip an office gratuitously surrendered to our uses, or at nominal rental by another enthusiastic member who deeply appreciates the value of a local society habitation. I proffer this hint, well knowing that it will not, in all probability, advance beyond the germ stage at this session of the convention.

Again, I see no reason why the heads of departments should not occasionally try the experiment of engaging eminent speakers from abroad to read or submit papers to be read at our Saratoga meeting. This is far from being a reflection upon the high ability of the men and women in our own country who have appeared before this Association from time to time. In the matter of literary capacity and expert knowledge we have no need to cross the water. But upon the honorary and corresponding lists of the Association are names of international repute, names long identified with our body; and it would be a graceful thing to do, and might add a certain *éclat* to our gatherings, if now and then, say six months in advance of our meeting, Professor Bryce, or Moncure Conway, or Dr. Ernest Engel, or some equally notable personage were invited to deliver an address. The individual in question might be planning to visit America, or he might be greatly interested in the work of a par-

ticular department, or, possibly, he might consider such request a delicate return for the courtesy of election as honorary member. At all events, I am persuaded that the experiment is quite worth undertaking, and it is to be hoped that the ambitious head of a social science department will magnify his office by taking a bold initiative in this direction. Even though the guest be unable to clothe his thought in vigorous and sinewy Saxon, which is truly a great desideratum, the use of his own vernacular will give employment to our linguistics; while the eminence of the speaker will draw attention to his personality from many who, while unable to follow his words, as in the case of the illustrious critic Brunetière, will be glad to hear his voice on this platform.

One other suggestion is that we ought to have a much larger representation in the general membership of the Association, and possibly in the official control of its affairs, of women interested in social questions. I need not allude in this presence to the pre-eminent professional attainments, the devoted philanthropic service, and the proved executive capacity of certain women who for years have been numbered among our members. It is a noteworthy fact to-day that some of the most important contributions to social science — contributions that skilfully mass the evidence of social disorder and are fertile in the resource of remedies — proceed from the pens of women students of social problems. As a member of the Social Reform Club of New York, I am more and more impressed with the subtle and instinctive grasp of social questions evinced by women belonging to that organization who serve ably upon the board of directors of the club. I have only to mention Helen Campbell and Josephine Shaw Lowell out of many in proof of the soundness of my general affirmation. If, then, women are acceptable members of civic leagues, and leagues of every name organized for the study of present-day economic and industrial problems, I can but feel that we ought to include a far greater number in the membership of an Association organized to publish expert testimony on living questions and industrial problems. The day has gone by when the aptitude of cultivated and thoughtful women for profound diagnosis of existing social conditions can be decried.

Whatever may be the thought of the conclusions and observations of your Secretary on this and other points, the immediate privilege before us is to hear the various papers and addresses

which, as of old, we present you as outlined upon the printed programs. And, in entering upon a second year of association work, I can only say that at any time during the year I shall be glad of hints and suggestions from members looking toward greater efficiency of organization,— hints that will be submitted to the judgment and wisdom of the General Council whose executive I am.

I. DEPARTMENT OF EDUCATION AND ART.

1. REMARKS BY THE CHAIRMAN,

THE REV. JOSEPH ANDERSON, D.D., OF WATERBURY, CONN.

[Read Tuesday morning, August 30.]

The chairman of a department, if he has kept its claims before his mind during the year, can readily think of many things which might properly be said by way of introduction. The construction of a program in any department is a task which at the best has an element of haphazard in it; and, if much that is valuable is included, much that is equally valuable must be omitted. To recognize some of the things omitted, and thus to supplement and complete the scheme of the day, is the privilege, if not the duty, of the chairman; and it is not always easy to resist exercising it. It was a feeling of this kind that led me to speak at some length, a year ago, on "recent movements in the educational domain." This year, however, our program promised to be an unusually full one, and it seemed undesirable that I should diminish the small amount of time that could be given to the several subjects presented and to the discussion of them by any long statement of my own. I will therefore confine myself this morning to a few remarks concerning the program of the day and the interrelations of the topics to be considered.

I regret to say that our program will not be carried out as published. Mr. S. T. Dutton, superintendent of schools in Brookline, Mass., was present at the last meeting of our Council, at Woodmont, Conn., and at that time fully expected to be with us to-day, and to present a paper on the theme that has been announced,—"By-products in Education." But important changes in Mr. Dutton's home affairs render it impossible for him to attend our sessions. We shall hope to hear from him a year hence.

At the suggestion of Secretary Dutton I offered a place on our program to Mr. W. Scott, of East Windsor Hill, who rep-

resents an interesting movement toward the equalizing of education in Connecticut. Mr. Scott was compelled to decline for reasons which suggest anew the importance of establishing a sustaining fund for our Association. His absence is to be regretted, for the movement to which he is devoting himself is one of great importance,— I mean the elevation and improvement of the rural schools of America. In 1895 there were in the United States 574 cities of 8,000 or more inhabitants each. The pupils enrolled in the schools of these cities numbered 3,303,000. Those in the other schools of the nation — the rural schools — numbered 10,889,000. The ratio of the two classes is as 33 to 108; yet the city schools own more than half of the common-school property and expend more than 41 per cent. of the total school funds. This means "that the country school-children, as a whole, are taught in inferior school-houses, by inferior teachers, and for much shorter periods of time." How to secure for them a better chance — how to "equalize education," as Mr. Scott expresses it — is one of the pressing problems of the hour. In the meeting of the National Council of Education at Milwaukee, last year, an elaborate report on rural schools, filling 200 octavo pages, was presented, abounding in practical suggestions. The general aim set forth in this report was the multiplying and improving of opportunities for the children of the rural districts. One aspect of this subject will come before us in the first paper of the morning by Mrs. Daniel Folkmar, not exclusively, however, or distinctively, in its bearings upon rural schools. I spoke a year ago of the attention given of late to the economy of time in the educational process. I am glad that this matter is to be presented in so definite shape to-day.

I spoke last year and the year before of the educational processes perpetually going on apart from all systematized instruction. No man's education ceases with the close of school-days; and it is important to recognize this fact, and to appreciate the educational value of certain institutions and movements. Two years ago the educational value of modern fraternities was considered, and the educational influence of the newspaper was touched upon. A year ago one of our topics was the educational influence of the drama; and to-day, following the same general line of investigation, we are to consider the educational value of the popular lecture. Dr. Henry M. Leipziger, from his rich experience in connection with the schools of New York, will be able

to give us the latest wisdom on this interesting topic. It may be worth while, at this point, to mention that the value of the drama — the stage — as an educational agency has lately been tried in a very practical way in connection with certain schools in Germany, the school-children being taken regularly to the theatre by their teachers to witness first-class plays. And, apart from the question of the morality of the stage, why is not this experiment as well worth trying and as justifiable as that reported by Mr. Dutton from the Brookline schools,— I mean the introduction into the school-rooms of fine music and notable works of art?

By a slight change in the constitution at our last annual meeting the department over which I have the honor of presiding was enlarged, so that it became the "Department of Education *and Art*." What the effect of this change will be depends upon the ultimate direction of a new movement that has developed since last winter within our organization, the nature and scope of which will probably be revealed before the close of our meeting. But, in any case, the relations of art to education are of obvious importance, and it seemed entirely suitable that the enlargement of this department — whether it shall prove to be permanent or temporary — should be signalized by a paper on the relations existing between art and education. This paper, you perceive, will be presented by Professor Raymond, of Princeton, who has made this field of inquiry especially his own. The subject is one that has already attracted much attention. At the meeting of the National Council of Education, at Milwaukee, this was one of the pressing topics. Professor Raymond will discuss it on its highest levels, but its humbler and more "primary" relations are also worthy of careful consideration.

The other topic for our evening session is one which, in its very statement, affords us a note of hope. Is it true that there has been real advance in college and university education in the United States? — I mean in the proportion of those who seek and secure it. Dr. William T. Harris says there has, and bases his statement upon a large array of facts. The significance of this no man in America is better fitted than Commissioner Harris, whether by official position or by expert knowledge, to set forth. Some one, speaking of the recent war, has said: "This is emphatically a war of trained against untrained men. We shall succeed by virtue of a more thorough education,— an education both in the arts of war and in character." A statement such as

this, taken in connection with the growing interest of the people of America in the higher education, brings before us the great possibilities that await us in the near future.

One other event in our program remains to be mentioned. When Professor William F. Blackman, of the Yale Divinity School, proposed that his paper should be on the question, "Is Society an Organism?" I was well aware that the topic was no more appropriate to my department than to some other, but I also knew that it was no less so. I felt, too, that such fundamental questions as this ought to be considered every year at our meetings; and I am very glad that at the close of this morning's session we are going to have such a theme brought before us by one of the most earnest and successful students to be found in the growing company of those who are devoting their lives to sociology.

At the risk of making this miscellany of "remarks" still more miscellaneous, I refer, in conclusion, to a matter introduced to my attention and to the notice of various members by one of our Council, Mr. E. T. Potter, of Newport, R.I. Mr. Potter is alarmed, and with good reason, at the destruction so rapidly going on all over our country of what he calls "some parts of man's heritage in nature." In a brief paper which he has published on this subject, he speaks of the massacre of the song-birds and the birds of beautiful plumage, of the approaching extinction of giraffes and whales, of the overthrow of the giant trees of California, of the blowing up of the Palisades on the Hudson River, and of the destruction of much that is beautiful and precious in the Yellowstone Park since the withdrawal of the United States troops. The matter is one to which attention should certainly be directed. There is an old name for all this — Vandalism — which suggests that the explanation of it is to be found in the fact that we have not yet, as a people, quite emerged from the status of barbarism. What is more likely to lift us completely out of that condition than education,— an education that shall give proper heed to our æsthetic development, and that shall begin with the little child? And, as Mr. Potter says, "we must make haste in regard to this, if we are to preserve for posterity the *exceptional* in nature as we now possess it."

2. THE SHORT DURATION OF SCHOOL ATTENDANCE: ITS CAUSES AND REMEDIES.

BY MRS. DANIEL FOLKMAR, M.PH., PARIS, FRANCE.

[Read Tuesday morning, August 30.]

Several solutions of the question, "What is the average schooling of the pupil of the public schools?" have been undertaken. Some writers* have based their study on the investigation of the ages of pupils. The results of such investigation are not very conclusive; for, while the child may be enrolled in school for five or six successive years, so long as he is required to be in school only three months during the year, he will not cover many grades.

Others have based their investigations on promotion figures. Here, too, the results are not very convincing. Many pupils who are promoted at the end of the year do not return for the next year, and it would be the height of presumption to suppose that all pupils who failed of promotion would be enrolled in the same grades the next year.

As a more satisfactory basis for the solution of the question of the duration of school attendance, Professor Folkmar undertook in 1894 a study of the Chicago public schools, to ascertain at what grade pupils drop out of school, what per cent drop out before reaching the second grade, what per cent fail to reach the grammar grades, what per cent reach the high school, and what per cent graduate from the high school. This is a better basis of investigation; for the results indicate what grades of the public school have been covered by its citizens,—in other words, what acquirements of knowledge, power, and skill the pupil has on leaving school, so far as such acquirements can be inferred from curricula outlining the work of the several grades of the public schools.

The results of Professor Folkmar's investigation, briefly stated, are as follows: of the children that attend the public schools of

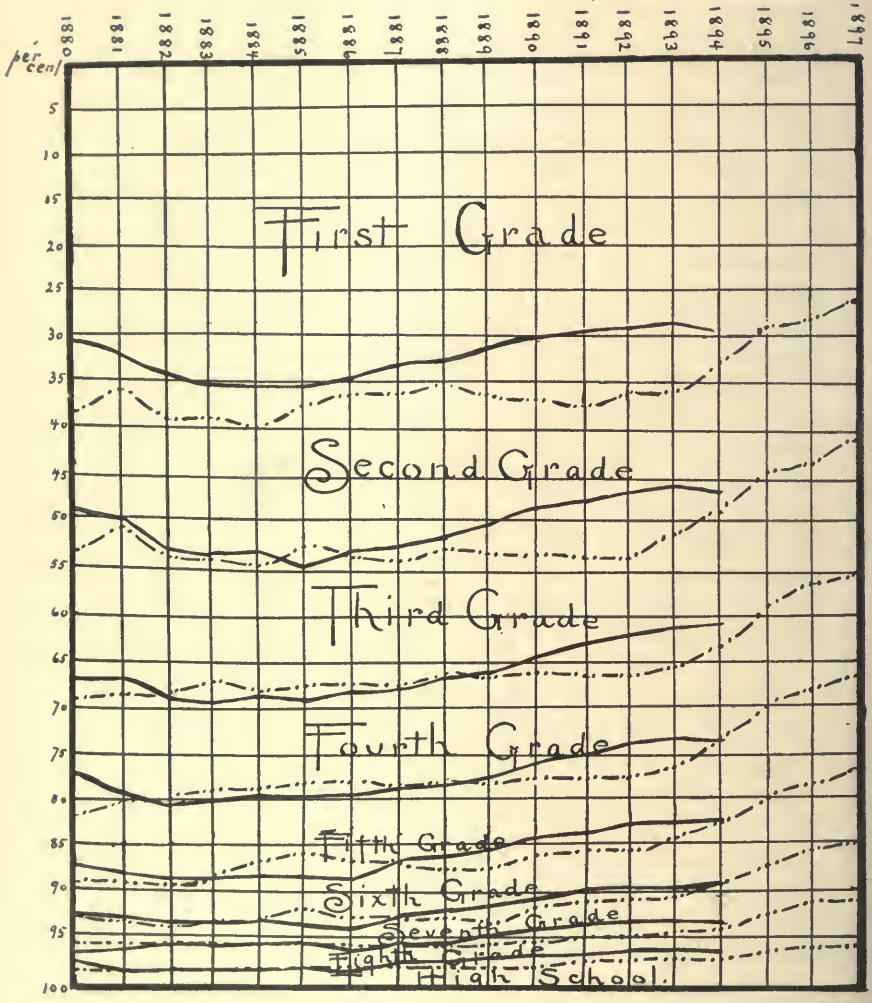
*Woodward, C.M., "The Age of Withdrawal from the Public Schools," Report of the United States Commissioner of Education, 1891-92, p. 595.

Chicago, 32 per cent drop out before reaching the second grade, 51 per cent before reaching the third grade, 66 per cent before reaching the fourth grade, 78 per cent before reaching the grammar grades, 97 per cent before reaching the high school, and only three in a thousand graduate from the high school. While the study of one city does not prove anything outside of that city, it was the opinion of Professor Folkmar that the conditions which he found in Chicago were not peculiar to Chicago, but rather were typical of the great cities of this country, if not of the whole country, including urban and rural districts. Likewise, that these conditions are typical not only of the United States, but of every highly civilized nation. As one step toward the verification or disproval of the above proposition, I undertook in 1896 a similar study of the public schools of Milwaukee.

In the study of the duration of school attendance from data furnished by Chicago and Milwaukee, two methods* of demonstration were employed for each city, the one serving as a check upon the other. They may be designated as the deductive, or enrollment method, and the inductive, or class method. By the first the enrollment by grades for one year or the totals for a group of years are made the basis of deduction or inference as to the per cents that must have dropped out from the lower grades. By the second the enrollment of a single class entering the first grade is followed from grade to grade through the reports of successive years, the per cent that dropped out in each grade is noted, and from a comparison of these facts with corresponding facts in the history of other classes a generalization is reached inductively as to the normal per cents that drop out at each grade. Secondary considerations, such as deaths, increase of population, and promotion figures, were introduced into these studies, "on the one hand to eliminate errors so far as possible, on the other hand to determine the limits of probable error, so that, if per cents could not be determined with absolute accuracy, statements could at least be made as to the maximum and minimum limits within which the truth lay."

The following diagram is a graphic illustration of the results of the deductive method. The solid lines mark off the number that drop out before the next grade in Chicago, and the dotted lines indicate the conditions in Milwaukee. The slight difference

* For details of method and data see "The Duration of School Attendance in Chicago and Milwaukee," by Daniel Folkmar, "Proceedings of the Wisconsin Academy of Sciences, Arts, and Letters for 1897," p. 257.



PER CENT OF ENROLLMENTS THAT DROP OUT BY THE END OF EACH GRADE.

[From Vol. XII. "Transactions of the Wisconsin Academy of Sciences, Arts, and Letters."]

between the two cities is undoubtedly due to the fact that, while the figures of actual enrollment were made the basis of deduction in Chicago, in Milwaukee the figures of average enrollment were employed.*

The deductive inference suggested by an examination of these figures is: If only .26 of 1 per cent of the pupils are to be found in the twelfth grade, the remaining 99.74 per cent dropped out before reaching the twelfth grade. By the same reasoning it will be found that 97 per cent dropped out before reaching the high school, 78 per cent before reaching the grammar grades, and 32 per cent before reaching the second grade. To put these facts in fractional terms: of the pupils who enter the public schools of Chicago, nearly one-third drop out before reaching the second grade, one-half before reaching the third grade, three-fourths before reaching the grammar grades, nine-tenths before reaching the seventh grade, only three in a hundred get into the high school, and only three in a thousand graduate from the high school.

Simple as this method seems, there are errors in it, some of which would make the per cents too large, while others would make them too small. Such are the double enrollment of pupils (where pupils remain two years in the same grade), the factors of death, increase of population by births, immigration, and annexation, and the employment of a base many times too large.

The Inductive Method.

The second general method made use of in this study is a correction of several of these objections, since it traces a given class through a period of twelve years as well as can be done from tables of enrollment, after having made the necessary corrections for increase in population and deaths. Yet the results of the method (see Column V. of table on page 72) are still more appalling than those of the deductive method.

Admitting that the truth lies between the maximum and the minimum limits of probable error, an examination of the above table of results, obtained by various methods of computation, will prove of interest. As Column III., or the figures obtained by the deductive method without corrections, is found to be about a mean proportional between the maximum and minimum limits of error,

*The figures of actual enrollment are not published in the Annual Reports of the School Board of Milwaukee, nor are they filed in the office of the superintendent.

the deductive method is recommended as an easy and satisfactory one for ascertaining the duration of school attendance in any city. The results of this method were adopted by Professor Folkmar as the conclusion of his study.

CONCLUSIONS AS TO PER CENTS THAT DROP OUT.

Grade.	By Deductive Method.			By Inductive Method.		
	I.	II.	III.	IV.	V.	VI.
	Chicago. "Minimum."	Milwaukee. Not actual enrollment.	Chicago. Actual enrollment.	Chicago. Corrected for double enrollment.	Chicago. "Maximum."	Milwaukee. Not actual enrollment.
First	27	35	32	31	43	56
Second	43	51	51	38	54	59
Third	58	65	66	44	66	66
Fourth	71	76	78	54	74	74
Fifth	82	85	86	66	83	81
Sixth	89	91	92	80	89	87
Seventh	93	95	95	82	93	90
Eighth	96	97	97	89	96	
Ninth	98.0	—	98.6	93.1	97.5	
Tenth	99.0	—	99.3	95.4	98.5	
Eleventh . . .	99.6	—	99.7	—	99.1	
Twelfth	100.0	—	100.0	100.0	100.0	

That the conditions found in Chicago and Milwaukee hold true of all schools seems apparent from the fact that no irregularities of enrollment are observable in the entire period covered by these studies (fifteen years in the study of Chicago and eighteen years in that of Milwaukee), such as might be caused by the opening and

closing of private schools, the transfer of pupils from public to parochial schools before confirmation and from parochial to public schools at other ages, by the fluctuations of immigration and emigration, etc. In the case of Chicago, where large annexations have been made, the years 1890 (when the population was increased 40 per cent by annexation) and 1891 (when there was an increase of 10 per cent) exhibit the same regularity. Nowhere except in the first grade do we find as much as a difference of 2 per cent between successive years. The inference is that pupils transferred, annexed, or brought in by immigration from foreign countries, were divided in about the same proportions among the grades in other schools, and thus make no variation in the tables. Dr. Harris, in his report of the public schools of St. Louis in 1871 (page 25), shows that the same law of proportion of enrollment holds true for St. Louis. Similar testimony for the city of London is given by Charles Reed * in a paper read at a meeting of the London School Board.

There is a slight increase in the upper grades and a corresponding decrease in the lower grades, as might be expected, as the result of the betterment of economic conditions and the increased intelligence of the people.

Some Pertinent Questions.

If it be true, as shown by Professor Folkmar's statistical study, that, of the pupils who enter the public schools, one-third never go beyond the first grade, one-half drop out before reaching the third grade, three-fourths never reach the grammar grades, only three in a hundred get into the high school, only three in a thousand graduate from the high school, and that the average schooling received by each pupil is less than three years, is not the question how to retain pupils in school for a longer period of time the most vital of all questions? If conditions of attendance are to remain as they are, is it not of much greater importance to consider *what* to teach rather than *how* to teach? If the average pupil can cover only three grades of work, do we not err in enriching our courses of study with non-essentials (nature study, drawing, sloyd, etc.), and thereby infringing upon the time that should be given to instruction in the essentials (the elements of

* "Ten Years' Results of the London School Board," Journal of the Royal Statistical Society, vol. xliii. p. 676, December, 1880.

the "three R's"), the tools with which the child is to continue his self-education? As between studies for information and discipline, must we not, for the same practical reason, choose the former?

A necessary step in the discovery of a remedy for an evil is a search for the *cause* of the evil. Therefore let us, in undertaking to answer the above questions, consider, one by one, some of the causes of the short duration of school attendance, such as the economic condition of the country, the present inefficiency of the schools, poor compulsory laws for education, and the lack of a popular demand on the part of society for higher educational attainments of the masses.

The Economic Condition of the Country.

The economic condition of the country is such that children are crowded into factories, shops, and stores, that their labor may assist in their self-support or that the employer may put out his product at a reduced rate. So long as the wage-earning capacity of the laborer is limited to two or three hundred dollars a year, and so long as he may be the father of a large family, just so long will it be necessary for the child to begin early the struggle for his daily subsistence. Again, so long as we have no child-labor laws or only very poor ones, so that it is possible for the employer to substitute the labor of a boy for that of a man at one-half the cost, just so long shall we find the army of idle fathers increasing, shall we find the big boy taking the place of the man, and the little boy taking the place of the big boy. The remedy for this economic condition of affairs I leave for the sociologist and the economist to determine. Once remove the necessity and the possibility of child-labor, and children will remain longer in school.

Present Inefficiency of the Schools.

Inefficiency of Housing Space and Teaching Force.— The city of Milwaukee for the year 1896–97 reported* that she had three high schools with seventy-two rooms, forty-one grammar schools with one hundred and ninety-eight class-rooms, forty-six primary schools with three hundred and forty-seven class-rooms.

* "Superintendent's Report" in the "Thirty-eighth Annual Report of the School Board of Milwaukee," 1896-97, p. 45.

For the same year the average enrollment* for the several grades of the Milwaukee public schools was as follows: kindergarten, 3,230; first grade, 7,359; second grade, 4,272; third grade, 3,744; fourth grade, 3,214; fifth grade, 2,846; sixth grade, 2,226; seventh grade, 1,737; eighth grade, 1,183; high school, 1,374. By consulting the pay-roll and the reports of the principals, I was able to get data as to the number of teachers employed for each grade and also as to the cost of the teaching force for the several departments of the schools.

Briefly tabulated, the number of pupils to the room in the Milwaukee public schools is eighty-one in the kindergarten, sixty in the first grade, fifty-two in the second grade, forty-five in the third grade, forty-nine in the fourth grade, forty-six in the fifth grade, thirty-nine in the sixth grade, forty in the seventh grade, thirty-six in the eighth grade, and nineteen in the high school. Milwaukee employs one class teacher to the room in the primary and the grammar grades. For these grades forty-nine principals and seventy special teachers of German are employed, giving a total teaching force of one teacher to every forty-four pupils in the primary grades, and one teacher to every thirty-two pupils in the grammar grades, while the city furnishes a teacher for every twenty-six pupils in the high school. As to the cost of teaching force, Milwaukee pays for every kindergarten pupil twelve dollars per annum, for every primary pupil fifteen dollars per annum, for every grammar pupil twenty-three dollars per annum, and for every high-school pupil forty-six dollars per annum.

In other words, for the 75 per cent of her school population who get no further than the primary grades she furnishes a room for every fifty-two pupils and a teacher for every forty-four pupils, and pays for teaching force fifteen dollars per annum per pupil; for the 20 per cent who are found in the grammar grades she furnishes a room for every forty-one pupils, a teacher for every thirty-two pupils, and pays for teaching force twenty-three dollars per annum per pupil; for the 4 per cent who get into the high school she furnishes a room for every nineteen pupils, a teacher for every twenty-six pupils, and pays for teaching force forty-six dollars per annum per pupil. The average amount expended by the city in maintaining the teaching force for the education of the 75 per cent of the population is less than sixty dollars per pupil, while for the four-tenths of 1 per cent who graduate from the high

* "Superintendent's Report" in the "Thirty-eighth Annual Report of the School Board of Milwaukee," 1896–97, "Statistical Tables," p. 109.

school she pays for teaching force three hundred and thirty-five dollars per pupil.

Unpedagogical and Unsociological Courses of Study.— Courses of study are overcrowded. An examination of the promotion figures shows that a large per cent of the pupils spend more than one year in a primary grade to complete the work of the grade. In Chicago 45 per cent of the first-grade pupils spend two years in that grade; and of the second, third, and fourth grades, 33, 25, and 10 per cent respectively are enrolled twice in the grade. What is more discouraging to a pupil than to begin work beyond his powers or to be required to travel over the same ground a second time? A course of study so poorly adapted to the capabilities of the average child is unpedagogical.

Too much Time is given to the Non-essentials.— On page 14, "Manual of the Milwaukee Public Schools" (1897–98), I find that in the first grade 800 minutes a week are given to the essentials (reading, language, spelling, arithmetic, and writing), and 625 minutes a week are given to the non-essentials. By comparing this time schedule with those of earlier years, I find that the non-essentials are gradually encroaching upon the time formally allotted to the essentials. In the second grade, 975 minutes a week are given to the essentials, and 525 minutes to the non-essentials. In the third grade, 830 minutes are given to the essentials, and 670 to the non-essentials.

Need of Instruction in the Trades.— Our age is an industrial age,— one in which the masses must earn a livelihood by means of hands more or less skilled. We have no systems of apprenticeship such as prevail in European countries. The schools do not offer instruction preparatory to the occupations that the children must some day choose. Under the present social and economic conditions, society ought to furnish trade schools, where children may elect to spend their time between the ages of twelve and sixteen. No introduction of manual training into the high school or grammar grades can take the place of trade schools. The introduction of courses in typewriting and shorthand into the high school has very materially increased the attendance of the high school. Trade schools for children of grammar grades would fill a long-felt want and would be well attended.

High-school courses are modeled largely to meet the needs of the fraction of the four-tenths of 1 per cent who will enter a university. School patrons, school officers, school teachers, are all blinded to

the needs of the majority of the pupils of the high school — those who must end their formal school education with the high school — by the smooth and high-sounding phrase "on the accredited list." Such courses of study are the product of the theorizer,— the university school man,— and not of the practical man, of the sociologist. There is danger of our school system becoming top-heavy and aristocratic. Ask any reasoning man whether it is easier to direct the activities of sixty adults or those of sixty children? Which require the greater amount of individual attention? What pupils have formed habits and characters, and are capable of self-direction? What grade is unformed in habits, untrained in character, and needs continual guidance? And yet, despite your replies to these questions, we furnish double the teaching force to the pupil in the high school to that furnished for the pupil in the primary grades. Is not the inference warranted that we should treble the housing capacity and the teaching force of the primary grades? If we cannot furnish a teacher for every thirty pupils in all grades, ought we not to reduce the high-school force for the 4 per cent and give more attention to the 75 per cent? Further comment and suggestion at this point are unnecessary. It is time we removed the high-school mote from our eye in order to see the beam in the primary grades.

Lack of Public Opinion.

"Create a popular demand for more education," replied Mr. J. J. Findlay, of the English Royal Commission, when asked to suggest a remedy for the short duration of school attendance. The Sociologist Ward says much the same thing: "To create a demand for real education of information and its diffusion is a far more arduous duty than to lay down correct rules for carrying out such a system of education."* This surely is a better answer than that of Colonel Parker,—"Interest the pupils,"— since in the nature of things, of the relation of the child to the parent, the desire of the parent is more effective than the desire of the child. So long as society recognizes that the parent has a right to direct and control the actions of the child, so long will the desire of the former be the chief moving force. While it must be recognized that there is a fair public sentiment already existing, that there is a growing desire that the child shall have better educational

* Dynamic Sociology, vol. ii. p. 627.

advantages than those now offered, two things stand chiefly in the way of the realization of this desire. First and foremost, the economic conditions above alluded to, not to speak of other social factors, are such as to render the support of children impossible through as long a period of schooling as many parents desire. Secondly, there are parents in the heterogeneous population of any State whose desires and attitude in this matter are unworthy an American citizen, parents who do not perform the duties which society intrusts to them ; and then there are children with no parents as well as those with worse than none. Would not compulsory education be the remedy for the second difficulty? The first may be met in part (1) by the extension of the parental function of the State to the provision of food and clothing for needy children while in school, and (2) by an increase in the number of public kindergartens. The kindergarten age, from four to six years, is the age when there is the smallest possibility of the child doing anything for the support of himself and family. Why not let these two years be spent in the school so admirably adapted for this period?

Poor Compulsory Education Laws.

Of the twenty-four States and Territories reporting * compulsory education laws in 1894, more than one-half fix the age from eight to fourteen years. But, to ascertain the real amount of compulsory attendance, we must multiply the number of years by the number of weeks required per year. Illinois thus requires one hundred and twelve weeks, while Wisconsin requires seventy-two weeks. The laws of Wisconsin and Illinois are suited to a pioneer time, to rural districts, and not to thickly populated cities where schools are maintained ten months in the year and where no child need walk two miles to attend school.

The compulsory education laws of both Wisconsin and Illinois are practically ineffective. Wisconsin's law offers five loopholes of escape,— (1) unless "otherwise instructed for a like period," (2) "has already acquired such knowledge," (3) "whose mental or physical condition is such as to render his or her attendance at school and application to study inexpedient," (4) "who lives more than two miles from any school by the nearest road," (5) "who is excused for sufficient reasons by any court of record." The Illinois law offers three loopholes,— (1) "when the child has been

* "Digest of Public School Laws," Report of the Commissioner of Education, 1893–94.

otherwise instructed," (2) "whose physical or mental condition renders his or her attendance impracticable or inexpedient," (3) "who is excused for sufficient reasons by any competent court of record."

Both Milwaukee and Chicago employ truant officers; but, owing to the loopholes in the laws of their respective States, the work of these officers is persuasive rather than mandatory. It is almost impossible to convict a parent or guardian of violation of either of these compulsory education laws. Even if these laws *could* be enforced, the child who has just complied with the requirements of the law would receive but a little over two years of schooling.

These conditions are not peculiar to Wisconsin and Illinois. The average attendance required by the several States and Territories reporting compulsory education laws in 1894 is a little less than that of Illinois. Only three States — Massachusetts, Connecticut, and New York — have anything like an ideal law for compulsory education. Each of these States requires from five to eight years of actual attendance. As to age for the beginning of the period of compulsory school attendance, five States make it seven years, and nineteen make it eight years. The termination of the period is placed at twelve years by one State, at thirteen years by one State, at fourteen by thirteen States, at fifteen by three States, and at sixteen by six States. As to the number of weeks required per annum, twelve, that of Wisconsin, is the least; while Connecticut, Massachusetts, and New York require the most.*

What should be the Limits of Age for Compulsory Education?

When the State makes a law for compulsory school attendance, she must at the same time see that such law of attendance is made possible. With our present economic and social conditions the paramount question with many a father is how to feed and clothe the children while they are in school. For this reason a

* Connecticut requires children between the ages of eight and sixteen years to attend school whenever the public schools are in session. Massachusetts requires all children between the ages of eight and fourteen to attend school thirty weeks each year, and those between the ages of fourteen and sixteen to attend school whenever not regularly employed. In cities where opportunities for industrial training are furnished the age is from eight to fifteen years. New York makes attendance at school compulsory (1) between the ages of eight and twelve years whenever schools are in session, (2) for sixteen consecutive weeks each year between the ages of twelve and fourteen, and (3) between the ages of twelve and sixteen whenever not regularly employed.

compulsory education law that fixes the termination of the age above twelve years, and does not provide for the physical needs of such children, may exact a hardship, if not an impossibility.

The child between the ages of six and twelve years can do little to aid in his support, and during this time should be in school whenever the public schools are in session. A less requirement as to number of weeks should be made for children between the ages of twelve and sixteen, say twelve to sixteen weeks per annum. In addition to the above, children between the ages of twelve and sixteen years should be required to attend school whenever not regularly employed.

Requisites to the Enforcement of a Compulsory Education Law.

To make the enforcement of a compulsory education law possible, the following must be provided:—

1. A sufficient number of school buildings, school seatings, and teachers,—a large increase over the present supply. Greater New York finds the lack of school room a great obstacle to the enforcement of the most excellent law for the State of New York.

2. Means for physical care during school age of children whose parents are not able properly to care for them,—an extension of the parental function of the State.

3. Laws prohibiting the employment of child-labor between certain ages and restricting it between other ages.

4. Ungraded schools, where pupils may be given more individual attention and be permitted to associate with other children of their own age. The boy of fifteen will not do good work in a second grade with children from seven to nine years of age.

5. Truancy schools for the instruction of incorrigibles, children who are not submissive to proper authority.

6. Truancy officers, whose business is to see that all children between certain ages are in school.

7. Punishment for the parent, employer of child-labor, or truancy officer for each violation of the laws for compulsory education or the protection of child-labor.

Conclusions.

To sum up the foregoing discussion of remedies, the immediate remedies which are at present feasible, and which under present conditions would be the most effective if enacted, are the following: —

1. A compulsory education law requiring attendance at school between the ages of six and twelve, and whenever not regularly employed between the ages of twelve and sixteen. Such a law would give the child who merely complied with its requirements all the work of the grammar grades instead of less than three years, as is now the case. Such a compulsory education law should be supplemented by child-labor laws, and laws for the physical support of children by the State, when necessary, during the period of compulsory school attendance, and laws for the provision of truancy and ungraded schools.

2. An increase in the number of public kindergartens, thus permitting many to begin their schooling two years earlier.

3. The establishment of public trade schools, where children may elect to spend their time of compulsory school attendance between the ages of twelve and sixteen years.

4. A pruning and remodeling of the course of study on such a basis as will make the sociological tests of the qualifications for good citizenship and the ability of the average child the guides in determining the studies to be taught, the time to be given to each, and the amount of work to be required in any given grade. A relaxing of the grade system, so that those of the lowest rank in abilities, though not able to do the work of all the other pupils, may have the advantages of such studies and discipline in the upper grades as are most suited to their genius.

3. THE EDUCATIONAL VALUE OF THE POPULAR LECTURE.

BY HENRY M. LEIPZIGER, PH.D., OF NEW YORK.

[Read Tuesday morning, August 30.]

The century just closing can claim as its proudest achievement the spread of the belief in the value of education. When Napoleon denied himself to Pestalozzi on the ground that he had no time to bother with A, B, C, he little dreamt that because of the attention which his defeated foe paid to the "A, B, C," her day of triumph would come. Fichte, by his inspiring addresses on the value of education, aroused an interest that has made Germany's school system a model; and when, in 1871, Sedan avenged Jena, it was due to the trained man and the needle-gun.

In most of the countries of Western Europe the century has witnessed the growth of great public school systems, open to all,—schools not for the *poor*, but for the *people*, with the best equipment, the best buildings, the best teachers. As a logical development of this belief has come the establishment of the kindergarten at one end of the educational scale and the State university at the other. These institutions, if they may be so termed, are recognized parts of the educational system. Their establishment has given a broader meaning to the term "school" than we were once wont to admit. Shall the education furnished by the State end with the high school or the university, or shall the State furnish opportunity for a continuance of education to those whose school life has been limited or who acquire later in life some yearning for higher things? In other words, shall democracy accept the motto of the London Society for the University Extension Teaching,—"Man needs knowledge, not as a means of livelihood, but as a means of life"?

It is the belief that the term "school," as hitherto generally understood, is still too narrow in its acceptation, that it has led to the establishment of the movement known as "University Extension." Its objects have been stated to be "the extension of knowl-

edge among people too old to go to school, and unable to give their entire time to study, the cultivating of habits of useful reading, of correct thinking and right conduct, the awakening and stimulating of intellectual life,— all for the purpose of making better citizens, widening social progress, and rendering the conditions of society at large more interesting and enjoyable to its members." It offers: —

1. Education, by means of systematic courses of lectures.

2. Illustrated lectures, in literature, art, and science, with the purpose of teaching the appreciation of the beautiful and rendering life more enjoyable.

3. Lectures on history, civics, and economics, with the purpose of aiding the citizen to study the problems of government.

It will be seen that the chief factor in this movement is the lecture, and the question may be asked whether satisfactory results can be obtained through this medium.

The history of this country shows that the lyceum system in the past supplemented our imperfect schools. It was by means of these lyceum lectures that the great leaders of the abolition movement reached the hearts of the people. It is through the speaker and the orator that the people are still roused to action.

The lecture of to-day, and to which I refer, is, however, a lecture not given necessarily by an orator, but by a teacher, whose purpose is not to sway, but to instruct, not to persuade, but to inform. That the lecture is a popular form of instruction may be gathered from the fact that through the Brooklyn Institute, the extension of the University of Chicago, the American Society for University Extension, and the Free Lectures of New York City, during the past season, at least a million auditors were reached. This certainly shows that popular lectures appeal to large classes of people; and the growth in attendance proves, further, that the value of the popular lectures as an educational force is on the increase.

The University Extension movement has, however, in the main, been applied to villages and small cities. It has not taken deep root in larger cities. Its methods were, perhaps, too formal. To adapt it to the conditions of a great city like New York, and achieve success, is quite a victory for the cause of the people's education.

The brief story of the New York course will therefore at once fortify the faith in the belief in the lecture as an educator for adults, and stimulate similar movements in other cities.

The University Extension movement begun in England has been the inspiration for the Free Lecture movement of New York City. Begun in 1889 with many misgivings, its growth and success have exceeded the most sanguine expectations of its supporters; and the natural result of its existence is a larger intercourse with books and wider diffusion of reading.

The lecture course of New York City had its origin in the firm faith in the value of the widest and most broadly diffused popular education, in the belief that this republic of ours can endure only if the men and women who control it are cultured and intelligent, who appreciate the fact that in this nineteenth century it is enlightened public opinion that guides the destiny of nations, and that to help in the making of the wisest, sanest, broadest, and humanest public opinion is the noblest use to which men can put their knowledge and inspiration.

How does the work of the Free Lectures serve the end of which we speak? By creating missionaries of light and truth. By establishing intellectual power-houses, whose light becomes eternal, that is given freely to all, that illumines with its radiance the home of the poorest as well as the richest, that gives a new trend to many a human being, and brings a new hope to many a soul.

The movement of which the free lecture course is a part is sometimes known as University Extension. In many of the reports of the movement in other parts of the country and in other countries, I find it stated that the working people do not attend in as large numbers as they should. I am happy to state that our audiences are almost all composed of "working people." Our lecture halls are near their homes. These lecture halls being generally the school-houses, the school by its use for this purpose becomes an educational centre in a broad sense, and by use in this manner is paving the way for the time when in each Assembly District of our city there shall be a municipal meeting-house, with its library, reading-room, and assembly hall, where citizens can meet to discuss those broad non-partisan questions which affect their general well-being.

Lectures were given in forty-one different places during the past year (1897–98), distributed over what is now known as the Boroughs of Manhattan and the Bronx. In all, 1,595 different lectures were given. About 175 lecturers participated, and the total attendance reached 509,000. These figures, however, do not convey the real significance of the movement. The continuity of in-

terest is the most satisfactory sign. The demand for the lectures, the many expressions of pleasure and of benefit derived, all indicate that this scheme for adult education has come to stay. Eight years ago 185 lectures were given in six places, about 25,000 was the total attendance: now forty places, and an attendance of half a million. Has not an intellectual appetite been created, and, like other appetites, does it not grow by what it feeds on? The audiences that roll up the half million of volunteers responding to the bugle-call of education represent all the varied elements that make up our heterogeneous metropolitan life; and I firmly believe that the war just closed, sad and deplorable as war is, has unified, as no other force could, the varied elements of our nation, so that slowly but surely through the medium of these lectures a great solidarity, a better civic pride, a truer Americanism is being developed. How could it be otherwise, if you survey what has been presented to these half million of learners by the two hundred teachers? Every realm of human knowledge is represented. The aim has been to get the best information possible and to present it in a popular form, so that the truth may reach the largest number.

The subjects during the past winter have all been arranged in courses of from four to ten each. Let me just name a few of these courses: —

Six lectures on "Electricity" have been repeated seven times.

Six lectures on "Geography of the United States" have been repeated twenty-seven times.

Six lectures on "American History," including "Representative Americans" and "National Government," have been repeated twenty-six times.

Six lectures on "Literature" have been repeated nineteen times.

Six lectures on "Astronomy" have been repeated seven times.

Six lectures on "The Human Body" have been repeated ten times.

Five lectures on "First Aid to the Injured" have been repeated four times.

Ten lectures on "History of Civilization" have been repeated once.

Six lectures on "Music" have been repeated twelve times.

Six lectures on "History of New York City" have been repeated seven times.

Six lectures on "Municipal Government of New York City" have been repeated four times.

Five lectures on "Descriptive Geography" have been repeated twenty-five times.

With all the courses of lectures, a syllabus, containing a selected bibliography, was distributed; and at many of the courses, particularly on historical and sociological subjects, a discussion between the audience and lecturer continued, lasting frequently until the janitor reluctantly reminded the lecturer of the flight of time. With the aid of the course of lectures on "First Aid to the Injured" a medical handbook was distributed, and at the close of the course an examination was held and certificates issued to those who passed it creditably. These facts are told to bring more clearly before you the truth that the chief purpose of the lecture course is education. And I therefore say that, considering the serious nature of the subjects treated, the result of the course just closing is most gratifying. It has proven that the people are awakening to the fact that education is a continuous performance, that the school gives but the alphabet, that the words must be formed during life.

One further feature of last season's work, just begun, deserves more than a passing notice. The experiment of bringing the library into close connection with the lectures was made. Books relating to the topics treated at the various lectures were borrowed from the Free Circulating Libraries, and lent to such of the auditors as desired to continue their reading. Never were there enough books to satisfy the demand, and all the books were given without any of the customary safeguards used by libraries. All the books have been safely returned.

If it is a just matter of pride to know that a good work is being imitated, it is pleasant to report the fact that I had the honor of being invited to Boston last November to tell the story of the Free Lecture movement at the Twentieth Century Club at that city. It was certainly a satisfaction to feel that New York could contribute something to Boston. As a result of the interest awakened, a course is already in operation. The University of Chicago is doing similar work. It is possible that Philadelphia will follow; and several of the cities near by,— Newark, Jersey City, and Hoboken — have adopted the plan.

The problem grows with its growth. To give fifteen hundred lectures each year, to have each individual lecture interesting to a

mixed audience, to maintain a high ideal and still be popular, to express scientific truth and still avoid technicalities, is indeed a most difficult task. Perhaps the solution can only be found by calling into life a body of men who shall devote themselves to this work of popular education.

The fact has been established that the people will come, that the nation will go to school. During the coming year two kinds of lectures will be established,— one for larger audiences, where subjects that appeal to large bodies can be treated, and the other more special in its nature, and where those only will come who are interested in that particular subject. That the entire winter, at any particular centre, be devoted to but one or two subjects, and that definite courses of reading or study can be followed. I am sure that by this time we have prepared some such body of students. The division that I have suggested will satisfy those who are already prepared for higher study and those who are just entering on the appreciation of the delights of intellectual pleasure; for believing, as I do, in the educational purpose and value of these lectures, I also believe, to a certain extent, in their wisdom from the recreative side. The character of our pleasure is an index of our culture and our civilization. A nation whose favorite pastime is the bull-fight is hardly on a plane with one that finds pleasure in the lyceum lecture. So, if we can make the pleasure of our people consist in the delights of art, in the beauties of literature, in the pursuit of science or the sweet influence of music, and gradually turn them away from so much that is lowering in our midst, are we not doing a real public service? And is not this theory the real foundation on which the support of the free public library rests? Is not refinement, too, one of the ends for which we are aiming,— not alone knowledge, but culture, not alone light, but sweetness? And, if we can turn our youth from the street corner to the school playground, transformed into a temple of learning, are we not helping to that end? One thing can positively be said as a result of this lecture movement: that there is a constantly growing element in New York that is looking for intellectual and spiritual guidance, who welcome the knowledge of the scientist, are moved by the skill of the artist, are touched by the words of the orator, and inspired by all to loftier lives. And it seems to me that the men who spend their lives in accumulating knowledge, in adding to the world's treasury of wisdom, should find the greatest delight in its dissemination.

It has given me the greatest pleasure to receive letters from university professors, who looked at the beginning with some slight scorn upon the attempt to popularize knowledge, in which they now admit their change of view. They certainly have carried out the advice of one of the speakers at a certain college dinner to some professors,— "that they should rise superior to their own superiority."

The scholar owes his highest duty to the State. It is his duty to do what he can to raise the moral tone of the community in which he lives, to be of it, not above it, not to be lost in the mass, but to help leaven it. And never was that duty more demanded than in a great democracy, for our republic is still on trial. Nobly is it weathering the gales that beset it, for the popular conscience has always responded to the right. So I say the highest duty that our scholars can perform is to bring their knowledge and raise the average. We have faith in democracy; and we believe that through popular education, as Mr. Larned says, "the knowledge of the learned, the wisdom of the thoughtful, and the conscience of the upright will some day be common enough to prevail over every factious folly and every mischievous movement that evil minds or ignorance can set astir."

It is popular education that must give the great body its ideals. The Civil War was a campaign of education. A sound finance will be the result of education; and the war through which we have passed is a campaign of education. An advance in the reasons for going to war has been established, another step made toward the care of the under-dog, and another move toward the time when "the war-drum shall roll no longer, and the battle-flag be furled in the parliament of nations, and the federation of the world."

One feature of the New York system that differentiates it from all other so-called Extension movements is that it is supported by the city, and is put on the same plane as the public school and the public library. Some of the most ardent advocates of University Extension believe in voluntary action, and support by those who desire the lecture course. To me it seems that the same arguments apply to the public school, the public museum, and the public library. From the idea that education is a privilege, we are being trained to believe that it is a duty, and that the duty devolves upon the State. We believe with Emerson that the world exists for the education of man; and in that belief we

would have the State act in the spirit of Ezra Cornell, when he wrote as the motto of the university he founded: "I would found an institution where any person can find instruction in any study."

In a recent address Lord Salisbury referred to the power which public opinion exerts. This deference to public opinion is the triumph of democracy. How important it is that public opinion should be sound, and that the democracy which wields the power shall wield it in obedience to lofty ideals and pure motives!

To give those ideals, to furnish the inspiration to plain living and lofty thinking, to spread abroad the truth that shall make men free, is the purpose of what we have styled the University of the Busy, to adopt Professor Moulton's phrase, the Free Lecture Course of New York.

[At the conclusion of Dr. Leipziger's address, Professor W. F. Blackman, of Yale University, read a paper entitled "Is Society an Organism?" Professor Blackman is not prepared to submit his paper to the Journal for publication; but it may be remarked by the Editor that his address was, in substance, a comparison of the current biological interpretations of society as set forth by Comte, Lilienfeld, Schaeffle, Spencer, Small, and René Worms, with the newer psychological interpretation of Tarde, Durkheim, Simmel, Giddings, and Baldwin.

It was held by the speaker that a human society cannot be regarded as an organism, nor as in essential respects *similar* to an organism: it is a group of free persons in association together, being thus rather a psychological and ethical than a biological phenomenon. The sociological and moral implications and issues of these two views were then pointed out. With the presentation of Professor Blackman's paper, opportunity was afforded members of the Association to debate the opinions set forth by the various speakers at the morning session; also, to ask further questions as to views and methods proposed. What follows is the official stenographic report of such debate, reduced by the Editor, as elsewhere in such reports, to meet the space limitations of the Journal. But, owing to the temporary absence of the stenographer at the beginning of the discussion, certain contributions thereto were written out from recollection by the debaters, and revised for publication.]

DISCUSSION.

With reference to Mrs. Folkmar's paper, President Baldwin said: —

Mrs. Folkmar has presented to us a particularly valuable set of statistics; and they have led her, it seems to me, to sound conclusions. She has attacked our system of public schools at both ends. If the great majority of American children stay at school only long enough to receive the rudiments of primary education, surely their instruction should be centred upon those rudiments which are essential, and universally conceded to be essential. "This wise world is mainly right"; and, if our children are taken

so early out of the public school, it is because there are strong reasons for it. It is a fact to be accepted for the present generation of children, at least; and we must make our plans of education in view of it. And when we add to the forty-six dollars which is paid to our high-school teachers for each of their pupils a fair equivalent for the interest on the plant, and the cost of light, heat, and repairs, we shall find that every boy or girl costs the public seventy-five dollars a year. When not half of one per cent. remain to complete their course, we may well ask if the high school is not devouring the substance of the primary school, and doing so — as far, at least, as preparation for college or university is concerned — to little purpose?

I do not think we have given due consideration as yet to the work of the public library in secondary education. These libraries are now scattered in many States through a large proportion of the smaller towns, and they are found in every large one. They do what the high school used to do, and they often do it better. As I was walking through a New England city, a few years ago, with a judge of the highest court in the State, he pointed to a public library which we were passing, and said, "There was my university."

A boy is not driven to a library. He goes for what he wants, and it is generally for what he needs. Every such storehouse of learning is worth many teachers, and may justly lead to more economy in teaching force.

Hon. F. B. Sanborn, of Concord, remarked that "essential" and "non-essential" were important categories in school education, but "possible" and "impossible" were perhaps more important. Desirable as it might be to carry school-children through all the grades of the school curriculum, it was virtually impossible, and had never been done in any country, nor in any city or fortunate town. Nor was it easy for the most experienced to establish a perfect curriculum for even one child, much less for millions. Much of the education he had received or known in others came from reading. Hence the importance of libraries, as President Baldwin had said. He would include music among the essentials of the lower grade, since it led both to self-education and to association with others, and because one great lack of America is *æsthetic training.*

Professor Jenks, of Cornell University, said: —

With the general conclusions of a paper based on so thorough an investigation I should hardly venture to differ, but I should like to comment somewhat upon a few of the minor points touched upon.

From the statistics quoted in the paper, it might seem that too large a proportionate share of time and money is now devoted to

the needs of the pupils in the high schools. We ought not, however, to overlook the fact that it is from the pupils in the high schools that the corps of teachers in the lower grades is recruited. If we, therefore, in any way sacrifice the excellence of the high school training, we are sacrificing, at the same time, the excellence of the work done in the lower grades. I should object, therefore, to a less absolute expenditure of money for the high schools, though I should advocate, most strongly, a larger expenditure for the lower grades.

It has been my habit to judge the love for scholarship and the higher intellectual life of high-school teachers by the proportion of their pupils in whom they had inspired similar tastes to so great a degree that they felt impelled to take a university course after leaving the high school. The chief influence that tells upon pupils is the personality of the teacher. The force of this personality should be felt no less in the lower grades than in the high school, but it goes without saying that this influence of one's personality must be much less when the teacher has seventy pupils than when she has only twenty or thirty. She cannot give the individual the attention needed. This is the chief reason why more teachers should be provided.

The chief trouble lies with the school boards. They are ordinarily chosen from among our upright, thrifty business men, who, in spite of their many excellent qualities, have little knowledge of the real needs of the school-room. They are expected to save the money of the tax-payers, and it is natural that they should think first of the economic condition of the schools. They find many teachers willing to serve at low wages, and willing to teach large classes. Not appreciating the evil results of permitting too great an expenditure of energy on the part of the teacher, it is natural that they should engage such teachers, and save money for the tax-payers. The problem of the overcrowding of the lower grades will not be solved readily, and it must be solved finally by so educating public opinion that the real needs of the school will be more fully appreciated.

Secretary ROOT. — I would like to ask if Dr. Leipziger himself is the founder of this free lecture course, or who suggested the idea to the Board of Education in New York?

Dr. LEIPZIGER. — The matter came from two or three sources, and I have been connected with it since its inception. It came, originally, from a suggestion made by the New York *World*. The *World*, about ten years ago, suggested, among other things, the idea of giving lectures and utilizing the school-houses more than they had been, and suggested that lectures should occasionally be given on scientific topics. Senator Lyle, then a member of the legislature, introduced a bill giving the Board of Apportionment, which distributes the city's money, power to distribute this money. The board granted the sum of $1,500 to make this experiment ten years ago. Last year the board granted over $60,000 of the same fund for the same purpose. I expect when the board

meets, in about a month, it will be asked to expend at least $100,000 for this purpose during the coming winter.

Hon. ST. CLAIR MCKELWAY. — What use is made of that money? How much is expended relatively for light, for rental, if any, for apparatus, and for lecturers?

Dr. LEIPZIGER. — Fees to lecturers and the illustration of the lecture: the balance is spent in the payment of aids to the lectures. The janitor gets an extra fee. We advertise in the daily press, and in those papers that reach the workingmen, the one-cent paper. We have a large amount of printing done,— printing of these different syllabuses and the notices issued to parents. We have discovered a novel way of advertising. We issue every month a little sheet containing a list of the lectures, and give one to each child in each school centre. The child becomes the distributing medium, and takes the sheet home to his father and mother. The value of this scheme can be judged when I say that the lectures are mostly attended by adults; and you will be surprised to see how many elderly people attend; and you will recognize the importance of this fact when I tell you that in most of these places the lecture hall is on the top floor of the building, and with many steps to climb. So we can really say these people are climbing the temple of learning. It is also a fact that a very large proportion of this attendance is made up of women. And, as one of the speakers referred to the fact that Mr. Poole, of Chicago, said that the Bohemians were the most attentive and best readers of Chicago's public library, I am glad to say that in those portions of the city that are known as the most unsavory — for instance, one portion known as Hell's Kitchen,— we have the best attendance, the most earnestness, and the most diligent listeners.

A GENTLEMAN. — Would you mind telling how much the lecturers receive?

Dr. LEIPZIGER. — The lecturers have all received $10 apiece for each lecture. Many lecturers come from the platform where they have received $100 the night before, and often more, and deliver the same lecture for $10.

Mr. MCKELWAY. — I have been an advocate in my profession of this plan of lectures from the first. Every year's experience has increased the reason for upholding them. Their influence in the Borough in which I live is extending. Their value in the Borough in which Dr. Leipziger is active is shown by the increased preparation made for them by successive city governments of all shades of political opinion. I value very highly the educational advantage of this function. This is a generation for the children, but the parents of those children have not enjoyed the advantages they are proud to be able to command at the charge of the State for their children; but this extension of the lecture system upon educational plans brings to the parents, as you have heard,— to the mothers, in particular, the advantages that they are proud their children possess. And I do not know of any more benign, any more successful, any more uplifting, any more encouraging sign of moral advancement in our city life than is supplied by the success of this lecture course, unless it be the experience of the University of the State in the adoption of the library as an educational factor in this literally revivified and revitalized Commonwealth of New York.

4. THE USES OF HIGHER EDUCATION.

BY HON. WILLIAM T. HARRIS, LL.D., U. S. COMMISSIONER OF EDUCATION.

[Read Tuesday evening, August 30.]

It has been a question of time only, during the past twenty years, when we as a nation should take an active part in the management of the affairs of the world, when we should be counted with the others as a sixth great power in the government of Asia, Africa, and the Isles of the Sea. It was a movement to be postponed rather than hastened by the patriotic citizen. When our power of producing wealth is increasing out of proportion with the rest of the world, and when our population is swelled by waves of migration from Europe, why should we be in a feverish haste to precipitate the new era of close relationship with the states of Europe that lie beyond the parting of the ways and the beginning of an essentially new career? Most of what is old and familiar to us must change and give place to new interests. Once the United States enters upon this career, all its power and resources must be devoted to adapting it to the new situation and defending its line of advance, for it cannot move back without national humiliation.

This very summer we have entered upon our new epoch as an active agent in the collected whole of great powers. This new era is one of great portent to the statesmen of America. All legislation hereafter must be scrutinized in view of its influence upon our international relations. We cannot any longer have that smug sense of security and isolation which has permitted us to legislate without considering the effect of our action on foreign nations. Hereafter our foremost national interest must be the foreign one; and, consequently, our highest studies must be made on the characters, inclinations, and interests of foreign powers. It is obvious that this study requires a greater breadth of education, more careful studies in history and in the manners and customs of European nations, their methods of organizing industries, as well as their

method of organizing armies and navies. We must even master foreign literatures, and see what are the fundamental aspirations of the people who read them. All this study concerns the system of education in this country. It indicates the function of the schoolmaster in the coming time.

The new burden of preparing our united people for the responsibilities of a closer union with Europe and for a share in the dominion over the islands and continents of the Orient,— this new burden will fall more particularly on the colleges and universities that furnish the higher education; for it is higher education that must direct the studies in history and in the psychology of peoples which will provide for our ministers and ambassadors abroad, their numerous retinues of experts and specialists thoroughly versed in the habits and traditions of the several nations. The knowledge required by our members of Congress and our executive departments will make a demand upon higher education for post-graduate students who have concentrated their investigations upon points in international law and the philosophy of history. Diplomacy will become a great branch of learning for us.

The education of the elementary school fits the citizen for most of his routine work in agriculture, manufactures, commerce, and mining. But the deeper problems of uniting our nation with the other great nations, and harmonizing our unit of force with that greater unit, must be solved by higher education; for it alone can make the wide combinations that are necessary. Shallow elementary studies give us the explanation of that which lies near us. They help us to realize our immediate environment; but for the understanding of deep national differences, and for the management of all that is alien to our part of the world, deeper studies are required. The student must penetrate the underlying fundamental principles of the world history, in order to see how such different fruits have grown on the same tree of humanity. We must look to our universities and colleges for the people who have learned to understand the fashions and daily customs of a foreign people, and who have learned to connect the surface of their everyday life with the deep national principles and aspirations which mould and govern their individual and social action.

What with the extent of our public elementary schools and the continual instruction derived from newspapers, magazines, and books throughout life, we seem to have a population of self-educated men and women. One would expect a relative decrease

of attendance on the college and university. He who runs may read; and, certainly, the hours of leisure from business are sufficient to make the habitual reader a learned man by the time he crosses the meridian of life. In a national career full of opportunities we should expect a growing impatience of long school terms. Eight years in the elementary schools, followed by four years in secondary schools and then four years at college, followed by a three-year term of post-graduate study,—how can the American youth be made to undertake so much?

It is a complete surprise for us to learn the actual statistics in regard to the schooling of our people.

In 1872 the records of higher education show for the entire nation an enrollment of 590 students in each million of inhabitants,— a little more than one college student, on an average, for each community of two thousand population.

Not only did the growth of schools for higher education keep up with the growth in population, but the enrollment increased, year by year, until in 1895 (twenty-three years later) instead of 590 students we had 1,190 in each million. The quota had doubled, and it has since increased. And it is the more surprising when we call to mind the fact that the standard of admission to the Freshman Class has been placed much higher. The *élite* colleges have followed the lead of Harvard for twenty-five years, and their requirements for admission demand nearly two years more than was needed fifty years ago. Even the colleges that have resisted the tendency to raise standards of admission have been obliged to yield, some more and some less. Considering the amount of work counted as higher education fifty years or even twenty-five years ago, and now performed by high schools and academies, we are right in affirming that the quota receiving higher education in each million of people is three times as great as twenty-five years ago.

But it is not numbers alone that have changed. The work performed in higher education has changed still more. In fact, it is now in process of unfolding a second phase of work quite as important as that which it has performed since the beginning. To a course of study for culture — the so-called course in philosophy, the academic course in the humanities and mathematics — it has been in process of adding a course of three years of special work in the laboratory or in the seminary — the student choosing his narrow field and concentrating on it his entire attention for three years, and at the end receiving a doctor's degree. This second

part of the course of study in the university is a discipline in original investigation.

The student in his elementary, secondary, and the first part of the higher course of study, has been in search of culture. He has mastered, one by one, the several branches of human learning in their results and in the elements of their methods, but certainly not in their working methods, their practical modes of investigation. Now in the second part of higher education the student selects a small field, and masters it practically, not merely learning what others have done in it, but pushing his research into new fields until he can say with assurance, I have made new discoveries in a limited field of human endeavor, and am become, to a small extent, an original authority.

Certainly, this doubles the value of higher education, although the new field, the field of specialization, is in no sense a substitute for the other field, that of the mastery of the lessons of human learning.

Within the short period between 1872 and 1897 we have seen the feeble infancy of the method of original investigation grow to a sturdy youth. The next quarter-century will see the youth come to a vigorous manhood, and vast numbers of young men and women undertake the special investigations necessary to solve problems arising in our civilization,— problems relating to material environment and problems relating to the adjustment of social, political, and international problems.

The number of students reported as engaged in post-graduate work in all our colleges and universities in 1872 was only 198. This has increased steadily, doubling once in five or six years, until in 1897 the number was 4,919. From less than two hundred the post-graduates have increased to nearly 5,000. They are twenty-five times as numerous.

Professional students, too, have increased. The number studying law, medicine, and theology in 1872 was only 280 in each million of inhabitants. In 1896 the 280 had become 740 in the million.

In the same quarter of a century, scientific and technical schools have multiplied. In the six years from 1890 to 1896 the number of students in engineering and applied science increased from 15,000 to nearly 24,000 (14,869 to 23,598).

In the first days of higher education it was naturally believed that only the professional schools for law, medicine, and divinity,

needed a preparation in the college course. Now it is beginning to be seen that the most practical occupations, those for the procurement of food, clothing, and shelter, as well as those for the direction of social and political life, need, also, the studies that lead to the B. A. degree, as well as the specializing post-graduate studies that lead to original combinations in industry and politics.

Post-graduate work, as it was in 1872, had not fully seized the idea of original investigation. There was a dim idea that higher education should end as it had begun; namely, as a system of set lessons with text-books and recitations. Post-graduate work should be a continuation of undergraduate work. The idea of the laboratory for experiment and research, and of the seminary and library for original investigations in history, politics, archæology, and sociology, has developed within that time for us. Other nations (one thinks especially of Germany) have had this for a longer period. The significance of this precious addition to our system of education will become clear if we go over, for ourselves, some of the grounds which make higher education more useful and productive than elementary and secondary.

There is something specific in higher education, as it exists in the college, which gives an advantage to its graduates, in the way of directive power, over their fellow-citizens. Elementary education is a defective sort of education, not merely because it includes only a few years of school work, but because its methods of study and habits of thought are necessarily crude and inadequate.

The elementary course of study is adapted to the first eight years of school life, say from the age of six to that of fourteen years. That course of study deals chiefly with giving the child a mastery over the symbols of reading, writing, and arithmetic, and the technical words in which are expressed the distinctions of arithmetic, geography, grammar, and history. The child has not yet acquired much knowledge of human nature nor of the world of things and forces about him. He has a tolerably quick grasp of isolated things and events, but he has very small power of synthesis. He cannot combine, in his little mind, things and events so as to perceive whole processes. He cannot perceive the principles and laws underlying the things and events which are brought under his notice. He consequently is not able to get much insight into the trend of human affairs or to draw logical conclusions from convictions or ideas.

It is a necessary characteristic of primary or elementary instruc-

tion that it must take the world of human learning in fragments, and fail to give its pupils an insight into the constitution of things. Let any one who claims the most for elementary methods of instruction say whether his pupils, at ten years old, are capable of such a comprehensive grasp of any subject as will become possible after four years more of good teaching. Let the ardent believer in scientific method say whether the child can learn, at twelve years, to make allowance for his personal equation and subtract the defects of his bodily senses from his inventory of facts of nature. Is it to be expected that a child can free himself from prejudice, not to say superstitions, at that age, and that he can discriminate between what he actually sees and what he expects to see? It is somewhat better in the ages from fourteen to eighteen.

The education of high schools, academies, and preparatory schools — what American writers call secondary schools,— begins to correct this inadequacy of elementary education. The pupil begins to see things and events as parts of processes, and to understand their significance by tracing them back into their causes and forward into their results.

While elementary education fixes on isolated things, secondary education deals with the relations of things and events in groups. It studies forces and laws, and the mode and manner in which things are fashioned and events accomplished. To turn off from occupation with dead results and to come to the investigation of the living process of production is a great step.

Where the pupil in the elementary school studies arithmetic and solves problems in particular numbers, the secondary pupil studies algebra and solves problems in general terms; for each algebraic formula is a rule by which an indefinite number of arithmetical examples may be worked out. In geometry the secondary pupil learns the necessary relations which exist between spatial forms. In general history he studies the collisions of one nation with another. In natural science he discovers the cycles of nature's phenomena. In acquiring foreign languages, he studies the variations of words to indicate relations of syntax, he becomes acquainted with the structure of language, in which is revealed the degree of consciousness of the people who made it and used it. Language reveals all this, but not to the youth of sixteen. He gets some glimpse, it is true; but it will take years for him to see, as a consistent whole, the character of a people as implied in its mode of speech. For, to do this, he must be able to subtract his

personal equation again. He must be able to see how things would seem to him if he did not think them in the highly analytic English tongue, but in a language with inflections like Latin, Greek, or Sanscrit, in a language like the Chinese, where even the parts of speech are not clearly differentiated and no inflections have arisen.

But the most serious defect of secondary education is that it does not find a unity deep enough to connect the intellect and will, hence does not convert intellectual perceptions into rules of action. This is left for higher education. A principle of action is always a summing up of a series. Things and events have been inventoried and relations have been canvassed: the result must now be summed up, the conclusion must be reached before the will can act. If we act without summing up the results of inventory and reflection, our act will be a lame one; for the judgment will remain in suspense.

We may contrast elementary education and secondary education with the education that comes to the illiterate from experience. He may, as a locomotive engineer, know all the safe and all the dangerous places on his road. He may know every tie and every rail, but in this he knows one or two processes and their full trend. He is limited by his own individual observation. The man of books, on the other hand, has entered into the experience of others. Books have given him a knowledge of causes. He can explain his particular experience by carrying it back to its cause. In the cause he sees a common ground for the particular fact of his experience, and also for the endless series of facts really present, only in the experience of other men, present and past, and only possible for his experience in an endless time.

Thus even elementary and secondary education, though inferior to higher education, lift up the boy or girl above the man or woman educated only in the school of experience. They have attained that which will grow into a much broader life. They will be able to interpret and assimilate vast fields of experience, when once they encounter them in life; while the illiterate is quickly at the end of his growth, and what he has learned will not assist him to learn more.

This relation of illiterate experience to elementary school education helps to understand the defect of elementary as compared with secondary, and secondary as compared with higher education.

It is the glory of higher education that it lays chief stress on the comparative method of study, that it makes philosophy its leading discipline, that it gives an ethical bent to all of its branches of study. Higher education seeks as its first goal the unity of human learning. Then, in its second stage, it specializes. It first studies each branch in the light of all others. It studies each branch in its history.

A good definition of science is that it unites facts in such a way that each fact throws light on all facts within a special province, and all facts throw light on each fact. Nature is first inventoried and divided into provinces — minerals, plants, animals, etc., geology, botany, zoölogy. Thus secondary education deals with organizing of facts into subordinate groups, while higher education undertakes to organize the groups into one group.

The first part of higher education — that for the B. A. degree, as we have said already — teaches the unity of human learning. It shows how all branches form a connected whole, and what each contributes to the explanation of the others. This has well been called the course of philosophy. After the course in philosophy comes the selection of a specialty, for there is no danger of distorted views when one has had the vision of the whole system of human learning. Higher education cannot possibly be given to the person of immature age, for the youthful mind is immersed in a sea of particulars. A college that gave the degree of B.A. to students of eighteen years would give only a secondary course of education, after all, for it would find itself forced to use the methods of instruction that characterizes the secondary school. It would deal with subordinate groups, and not with the world-view. The serious tone of mind, the earnest attitude which inquires for the significance of a study to the problem of life, cannot be formed in the normally developed student from fourteen to eighteen years of age. But at eighteen years of age the problems of practical life begin to press for solution. This in itself is a reason for the demand for philosophy, or for a measure that may settle for him the relative value of each element of experience. The youth of proper age to enter on higher education must have already experienced much of human life, and have arrived at the point where he begins to feel the necessity for a regulative principle, or a principle that shall guide him in deciding the endless questions which press upon him for settlement. He must have begun to ask himself what career or vocation he will choose for life.

Dr. Charles F. Thwing, president of Western Reserve University, a few years ago was at the pains to hit upon a novel method of comparing the college graduate with the rest of society. He took the six volumes of Appleton's Cyclopædia of American Biography, and counted the college graduates in the list of over fifteen thousand names. A little more than one-third of all were discovered to be college men. A safe inference was that one out of ten thousand of the population who have not had a college training had become of sufficient note to be selected for mention in a biographical dictionary, while one out of each forty of our college men finds his place there. The chance of the college man, as compared with the non-college man, is as 250 to 1, to become distinguished as a public man of some sort,— soldier, naval officer, lawyer, statesman, clergyman, teacher, author, physician, artist, scientist, inventor,— in short, a man with directive power of some kind, able to combine matter into a new and useful form, or to combine men in such a way as to reconcile their differences and produce a harmonious whole of endeavor.

It is easy to enumerate the influences of the university, and to see their great transforming power. Its distinguished professors, its venerable reputation, the organization of the students and teaching corps into an institutional whole, the isolation of the student from the strong ties of the home and the home community; all these taken together are able to effect this change in method when brought to bear upon a young man for four years. He acquires an attitude of mind which we have already described as critical and comparative. It is at the same time conservative. He has learned to expect that the existing institution may have deeper grounds for its being than appear at first sight; while, on the other hand, the mind trained in elementary and secondary methods is easily surprised and captivated by superficial considerations, and has small power of resistance against shallow critical views. It is easily swept away by a specious argument for reform, although we must admit that duller, commonplace intellect that has received only an elementary education is apt to follow use and wont, and not question the established order. It is the brighter class of minds that stop with the elementary school which become agitators in the bad sense of the term. The restless and discontented class of people, those who mistake revolution for reform, are recruited from the elementary ranks. But the commonplace intellect has no adaptability, or, at least, small power of readjust-

ment, in view of new circumstances. The disuse of hand labor, and the adoption of machine labor, for instance, finds the common laborer unable to substitute brain labor for hand labor; and it keeps him in the path of poverty, wending his way to the almshouse.

This is the primary view of the world adopted by so many of our "self-educated" men — I admit them to be men of great merit, so far as good intentions and persistent industry are in question. It explains why so many self-educated men are men of hobbies, or "fads," as they are called in the slang of the day. A hobby, or fad, is some fragmentary view of the world set up for the central principle of all things. It has been stated that the man with a hobby does not see his favorite subject in its just relations,— does not comprehend its process of origination nor see how it implies the existence of other things. He does not understand the interdependence of all things. In contrast to him stands the old-time graduate of college, before the admission requirements had been raised. He received the first part of higher education, the culture side of it as he does now. It gave him his view of the world. It is true that the family and the church give to the child his view of the world, but they omit the logical connections. The child does not think out the results nor see their grounds, nor does he apply that view of the world as a measuring-rod to the branches of knowledge.

The lawyer, after working years and years over his cases, comes by and by to have what is called a "legal mind," so that he sees at a glance, almost as by intuition, what the law will be in a new case. So in the four years of college undergraduate life the student gets an insight which enables him to decide immediately a phase of the problem of life. He forms a habit of mind which inquires constantly of each thing and event, How does this look in the light of the whole of human learning? What is the "good form" which the consensus of the scholars of the world has fixed for this? He learns at once to suspect what are called "lame" and universal panaceas as one-sided statements. The wisdom of the race begins to form a conscious element of his life.

While the first part of higher education gives this general insight into what is good form in view of the unity of human learning, the second part — that which teaches methods of original investigation — should be made accessible to all students of colleges and universities.

For this purpose endowments are needed, first in the form of fellowships, which will enable the student to live comfortably while he is preparing himself for his doctor's degree. A second kind of endowment may promote research, and take the form of prizes for special investigations.

The laboratories and seminaries of this post-graduate course may and do take up the practical problems of the life of the people. These are capable of immense benefit in sociology and politics, to say nothing of the industries of the people, rural and urban. The entire civic service of the United States should find employment for experts armed with methods of original investigation and with the readiness and daring to undertake the solution of problems which offer themselves perpetually in our civil life. The town council, the board of public works, the various directive powers which manage the affairs of the State and municipality, are in constant need of light; and the student of the post-graduate department of the university is the person needed to furnish by his special studies the aggregate result of the experience of the world in answering these practical and theoretical wants. In a country studying ever new political questions in sociology the student who obtains his doctor's degree from the post-graduate course can apply his knowledge, and apply it rationally without losing his self-possession.

Since 1880, when our census showed a population of more than fifty millions, we have ascended above the horizon of the great nations of Europe. Henceforth we have a new problem; namely, to adjust ourselves to the European unity of civilization. It is absurd to suppose that the problem of diplomacy which will arise in our relations to the states of the Old World can be solved by minds untrained in the university; for it is higher education which takes the student back to historic sources and descends from national beginnings, tracing the stream of events to the various points at which modern nations have arrested their development. Successful diplomacy is not possible without thorough knowledge of national aspirations and their historic genesis.

It is almost equally important that our home problems, social and political, shall be studied by our university specialists. Perpetual readjustment is before us. There is the new aristocracy of wealth struggling against the aristocracy of birth. To both is opposed the aristocracy of culture, the only one that is permanent. All may come into the aristocracy of culture, but it requires supreme endeavor on the part of the individual.

With the great inventions of the age, we find ourselves all living on borderland. We are brought into contact with alien nationalities and alien forms of civilization. We are forever placed in antagonism with some environment, material or spiritual; and our endeavor must perforce be to effect a reconciliation,— to unite the conflicting ideas in a deeper one that conserves what is good in each. There is no other recourse — we must look to higher education to furnish the formulæ for the solution of the problem of our national life.

We accordingly rejoice in the fact of the increasing popularity of the university in both of its functions,— that of culture and that of specialization.

5. THE INFLUENCE OF ART UPON EDUCATION.

BY PROFESSOR GEORGE L. RAYMOND, L.H.D., PRINCETON UNIVERSITY.

[Read Tuesday evening, August 30.]

Human intelligence is a manifestation of many different tendencies, but all may be resolved into three,— those having their sources in the understanding, in the will, and in the emotions; and the departments in which mainly the three are respectively expressed are science,— not philosophy, for this is a broader term, derived from a different principle of classification,— religion, and art. Science, as a development of the understanding, begins in observation and tends toward knowledge; religion, as a development of the will, begins in conscience and tends toward conduct; and art, as a development of the emotions, begins in imagination and tends toward sentiment. It must not be supposed, however, though we can thus in conception separate the three departments, that there is ever a time when in practice they fail to act conjointly or mutually to affect one another. When we examine some of the oldest monuments of the world,— like the Pyramids of Egypt,— it is difficult to tell the results of which of the three we are studying. Mathematicians and astronomers say of science; moralists and theologians, of religion; and archæologists and artists, of art. So with the older civilizations of the world,— those of Judæa, Greece, Rome. The physician or the jurist traces in them as many indications of the science of the laws of health or government as the ritualist or the rationalist does of the religions of theism or stoicism, or as the littérateur or the critic does of the arts of poetry or sculpture.

The dark ages rendered men equally unable to carry on scientific observations, to recognize the spiritual claims of a human brother, or to reproduce his bodily lineaments. When the Renaissance began to dawn, it is difficult to determine from which the sky first gathered redness,— from the flash of Roger Bacon's

gunpowder, the light of Wycliffe's Bible, or the fire of Dante's hell. When it was bright enough to see clearly, no one knows which was the foremost in drafting the plan of progress,— the compasses of Copernicus, the pen of Luther, or the pencil of Raphael. Even in the same country, great leaders in all three departments always appear together,— in Italy, Columbus, Savonarola, and Angelo; in Spain, James of Mallorca, Loyola, and Calderon; in France, Descartes, Bossuet, and Molière; in Germany, Humboldt, Schleiermacher, and Goethe; in England, Watt, Wesley, and Reynolds. In fact, the three seem as inseparably connected in indicating sovereignty over civilization as were of old the three prongs of the trident of Neptune in indicating sovereignty over the sea.

When things go together, they usually belong together. When they belong together, no one of them can be at its best without the presence of the others. The bearing of this fact upon the subject before us is sometimes overlooked. There are scientists who think that, when they give forth a word from their department, they have about as much need of re-enforcement from the utterances of religion as a locomotive engineer for a penny whistle. There are religionists who think that they can get along without the mathematical exactness of science about as well as the leader of a processional without a marionette-show; while both are inclined to an impression that art may actually interfere with their success, as much as a liveried footman with that of a country doctor. Nevertheless, art not only furnishes important aid to the full development of the other two, but is even essential to it. If neglecting knowledge, toward which science tends, religion lacks intelligence, and art observation. If caring nothing for conduct, at which religion aims, science lacks practicality, and art inspiration. If destitute of imagination and sentiment, which art cultivates, science becomes divorced from philosophy, and religion from refinement. It was in the dark ages, when they had no art, that the test of a sage was the ability to repeat by rote long, senseless incantations; and the test of a saint was to fulfil the rule, scrupulously passed for his guidance by the councils of the Church, that he should never wash himself.

But to indicate more specifically what is meant. Science has to do mainly with matter, religion with spirit, and art with both; for by matter we mean the external world and its appearances, which art must represent, and by spirit we mean the internal

world of thoughts and emotions, which also art must represent. The foundations of art, therefore, rest in the realms both of science and of religion; and its superstructure is the bridge between them. Nor can you get from the one to the other, or enjoy the whole of the territory in which humanity was made to live, without using the bridge. Matter and spirit are like water and steam. They are separate in reality: we join them in conception. So with science and religion, and the conception which brings both into harmonious union is a normal development of only art.

In unfolding this line of thought, it seems best to show how art develops the powers of the mind,— first, in the same direction as does science; and, second, in the same as does religion,— and, under each head, so far as possible, to show, in addition, how art develops them conjointly also in both directions.

Let us begin, then, with the correspondences between the educational influence of the study of art and of science. The end of science is knowledge with reference mainly to the external material world. We must not forget, however, that this world includes our material body, with both its muscular and nervous systems. To acquire this knowledge, the primary condition, and an essential one,— a condition important in religion, but not nearly to the same extent,— is keenness of the perceptive powers, accuracy of observation. No man can be an eminent botanist, zoölogist, or mineralogist, who fails to notice, almost at a first glance, and in such a way as to be able to recall, the forms and colors of leaves, bushes, limbs, rocks, or crystals. No man can make a discovery or invention, and thus do that which is chiefly worth doing in science, unless he can perceive, with such retention as to be able to recall, series of outlines and tints, and the orders of their arrangement and sequence. Now can you tell me any study for the young that will cultivate accuracy of observation, that will begin to do this, as can be done by setting them tasks in drawing, coloring, carving, or, if we apply the same principle to the ear as well as the eye, in elocution and music? In order to awaken a realization of how little certain persons perceive in the world, I used to ask my classes how many pillars there were in a certain building that they had passed hundreds of times, or how many stories there were in another building. Scarcely one in six could answer correctly. Is it possible to suppose that one could have avoided noticing such things in case his eyes had been trained to observation through the study of drawing, to say nothing of the

effect of special training in the direction of architecture? Of course, there are men born with keen powers of perception, on which everything at which they glance seems to be photographed. But the majority are not so. They have to be trained to use their eyes as well as their other organs. President Chadbourne, of Williams College, at a time when professor of botany in that institution, was once lost in a fog on the summit of Greylock Mountain. It was almost dark; but, in feeling around among the underbrush, his hand struck something. "I know where we are," he said. "The path is about two hundred feet away from here. There is only one place in it from which you see bushes like these." I used to take walks with an old army general. Time and again, when we came to a ravine or a rolling field, he would stop and point out how he would distribute his forces in the neighborhood, were there to be a battle there. These are examples of the result of cultivating powers of observation in special directions. The advantage of art education, given to the young, is that it cultivates the same powers in all directions. While the nature is pliable to influence, it causes a habit of mind,—in a broad sense, a scientific habit, important in every department in which men need to have knowledge. Not only the botanist and the soldier, but the teacher, the preacher, the lawyer, the politician, the merchant, the banker, is fitted to meet all the requirements of his position in the degree in which his grasp of great and important matters does not let slip the small and apparently insignificant details that enter into them. Some years ago a poor boy from the country, hoping to obtain a position, brought a letter of introduction to a London bank; but he found no place vacant. He turned away disappointed; but, before he had gone far, a messenger overtook and recalled him. The proprietors had decided to make a place for him. Years afterward, when he had become the leading banker of London and the Lord High Treasurer of the kingdom, he was told the reason why he had been thus recalled. As he was leaving the bank, he had noticed a pin on the pavement, and had stooped down, picked it up, and placed it in his waistcoat. The one who saw that single little act had judged, and judged rightly, that he was the sort of boy whose services the bank could not afford to lose.

Observation of this kind contributes to success, not only in the larger relations of life, but still more, perhaps, in the smaller. What is the gem of tact, courtesy, and kindliness in social and

family relations? What but the observation of little things, and of their effects? And notice that the observation of these in one department necessarily goes with the same in other departments. What is the reason that a man of æsthetic culture is the last to come into his home swearing like a cow-boy, cocking his hat over the vases on the mantelpiece, or forcing his boots up into their society? Because this sort of manner is not to his taste. Why not? Because, for one reason, he has learned the value of little matters of appearance; and for any man to learn of them in one department is to apply them in all departments. But, to turn to such things as are especially cultivated by art, what is it that makes a room, when we enter it, seem cheerful and genial? What but the observation of little arrangements that prevent lines from being awry and colors from being discordant? What is the matter with that woman whom we all know,— the woman who, when on Sundays she is waved into the pew in front of us, makes us half believe that the minister has hired her to flag the line of worshippers behind, so as to give them a realizing sense that, even in taking the name of the Lord, they are sometimes miserable sinners. She gets into the street-car, and we feel as if we had disgraced ourselves in bowing to her. She comes to our summer hotel; and the mere fact of recognizing her involves our spending much of the rest of our time in proving to others the contradictory proposition that, notwithstanding her extravagance in lending lavish color to every occasion, she has not yet exhausted all the capital of her gentility. But think what it must be to live perpetually in the glare of such sunshine! Physically, inharmonious colors produce a storm amid the sight-waves, and amid the nerves of the eye, too, and, as all our nerves are connected, amid those of thought, emotion, digestion. In fact, the whole nervous system sails upon waves, just as a ship does; and storms may prove disagreeable. It has not a slight bearing, then, upon comfort, health, geniality, and sanity to be color-blind, or daft, or ignorant. It is not of slight importance to have children trained so that they shall realize that warm colors and cold colors, though not necessarily inducing changes in temperament, may induce changes in temper; that the cheering effects of the room characterized by the one are very different from the sombre effects produced by the presence of the other; that the brilliance of the full hues echoing back wit and mirth in the hall of feasting might not seem at all harmonious to the mood in need of rest and slumber.

Fully as important as that which leads to personal or social advantage is that which enhances one's own inward satisfaction. It is no less true that our lives are worth to others exactly what they see that we find in the world, than that the world is worth to us exactly what we find in it for ourselves. If this be so, how important is it for us to learn to observe!

One method of learning this, as has been said, is through studying the elements of art practically. Few can study them thus, however, without beginning to study them theoretically also; *i.e.*, without beginning to take an interest in the products of the great artists in all departments. And here again, to whatever art we look, in the degree in which a work rises toward the highest rank, it continues to train our powers of observation. The difference between the great poet, for instance, and the little poet is in those single words and phrases that indicate accuracy in the work of ear or eye, or of logical or analogical inference. Recall Tennyson's references to the "gouty oak," the "shock-head willow," the "wet-shod alder." We all admit that genius, especially literary genius, is characterized by brilliance. A brilliant concentrates at a single point all the light of all the horizon, and from thence flashes it forth intensified. This is precisely the way in which a brilliant stylist uses form. In describing anything in nature, he selects that which is typical or representative of the whole, and often not only of the whole substance of a scene, but even of its atmosphere. Notice this from Shakspere: —

> "The battle fares like to the morning's war,
> When dying clouds contend with growing light;
> What time the shepherd, blowing of his nails,
> Can neither call it perfect day nor night."
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> 3 *Henry VI.*, ii. 5.

Observe what a picture could be made of this; yet all that suggests it is put into exactly four words, *blowing of his nails*. The same fact is true of painting and sculpture. Of course, many factors enter into excellence in these arts, and pre-eminent success in certain directions may compensate for deficiencies in other directions. But, as a rule, the rank of a picture or statue is determined by the relative manifestation in it of accuracy in observing and in reproducing the results of observation; *i.e.*, by the manifestation of imitative skill and of technical facility. Not that all products equally successful in these are of equal excellence. Back of one product there may be a spiritual significance, a psy-

chologic charm lifting it into a sphere where are galleried only the works of those who are the gods of the artistic Olympus, while back of another may be nothing suggestive of the possibility of what we term artistic inspiration. Nevertheless, what has been said will be found to be true. Art always deals with effects which nature presents to the ear or eye, and it never survives the fashion of the age in which it is produced except in the degree in which it manifests accuracy in the observation of these. Music survives in the degree in which it fulfils laws founded upon the observation of tones, the blendings and sequences of which cause agreeable effects upon the ear; architecture in the degree in which it fulfils laws founded upon the observation of shapes and outlines, the harmonies and proportions of which cause agreeable effects upon the eye. Painting and sculpture fulfil not only the formative laws, but reproduce the formal effects of outline and color; and the first condition of success in them is accuracy. This accuracy is not inconsistent with leaving out some features and emphasizing others, and presenting the whole from different points of view. But it is inconsistent with distortion of any kind. Why? For the same reason that, if we wish a man to see anything through a field-glass, we must adjust the glass exactly to the point of sight. If not, he sees mainly certain obscuring effects of the glass. Though meant to be an agent, it has become an end. When we look at a picture in which the drawing or coloring is defective, causing disproportion in the parts, unatmospheric sharpness of outline, absence of shadowy gradation,— above all, a predominating impression of paint everywhere,— the effect is exactly like that of powder and rouge on a woman's face. It is impossible to see any soul through it. It is impossible to look through or past the form. This, if it does not blur or blind the eye to ulterior suggestions, at least, appeals to it in such a way as to be a barrier preventing them from exerting their normal imaginative influence. Therefore, though, viewed in one aspect, imitative skill and technical facility are merely conditions for making possible the spiritual and mental effects of art, viewed in another aspect, they have more importance that this word might imply; for they are indispensable conditions. As most of us know, Mr. Beardsley's name is sometimes mentioned by prominent and able American critics with a certain degree of respect, owing to his manifestation, as is said, of originality and invention. One cannot refrain from feeling that further reflection would cause these critics to withhold anything in the direc-

tion of actual commendation. The truth is that Mr. Beardsley's work was legitimate neither to decorative painting nor to figure-painting. Decorative art, like architecture, should fulfil certain mathematical laws controlling the intersection and curvature, the balance and symmetry, of lines, as well as certain physical laws controlling concord and contrast of colors, introducing figures, if at all, only in a subordinate way. These principles of decorative art Mr. Beardsley's work did not fulfil. Figure-painting, though partly fulfilling the same principles, subordinates them to the reproduction of natural appearances. Yet Mr. Beardsley failed to reproduce these appearances with accuracy, showing either that he did not know how to observe or that he did not know how to draw, or, at least, failed to manifest the results of his knowledge. If this be true, it follows, as a corollary from what was said a moment ago, that, just in the degree in which it is true, his work failed to be a medium connecting the mind with nature, and influencing it according to the method of nature. But what of that? it may be asked. Why not treat his pictures and others of the "Yellow Book" and the posters of the period — for all manifest the same tendency — as artistic jokes or caricatures? Why not? For the very sufficient reason that artists and critics insist upon our not treating them so. The style has begun to influence serious work, and, by consequence, to accustom, not only people in general, but artists to pictures not accurately drawn and colored. I have recently seen certain angels in an expensive product of a well-known artist, capable of doing fine work. They manifest their poster-progeniture in limbs so deformed, flesh so dropsical, colors so diseased, and expressions of countenance so forbidding that no sane mind conceiving them to represent an ideal would ever — to say no more — "want to be an angel." Indeed, if one were to meet such creatures after death, however good he might be, he would be sure to turn around, and go straight down hill.

It is a fact overlooked by many how rapidly art, owing to its other necessarily imitative methods, when it once begins to decline, continues to do so. The sense of proportion in the human face and form was entirely lost once, and recovered again, during the period of the art of ancient Egypt. It was lost in Europe all the time between the third and sixteenth centuries. It has been lost for ages in China and Japan. In architecture, as developed in Greece, the same sense was lost before Rome was in its prime. It continued lost till the rise of Gothic architecture. It is lost

again in our own time. The simplest principles of proportional perspective, which the Greek applied to buildings precisely as we do to pictures, are not merely misapprehended, but are not considered possible either of apprehension or of application by our foremost architects. So with color,— from Apelles to Leonardo an almost constant decline. And think what a sudden decline there was after the period of the great Italian painters. And, mark you, these declines were largely owing to the inability of the people, to whom the art-works appealed, to perceive the defects. Little by little, they had accepted them, one after the other, because supposing them to accord not necessarily with nature,— for some knew better than that,— but with the conventionalities of art. Just as everybody in Italy, before the time of Dante, supposed that literature could be written only in Latin, though unintelligible to the common people, so everybody in these ages of decline had come to expect, in art, forms that were not natural, and so far, for the reasons just given, not intelligible; and all were disappointed if they saw anything else. Suppose that, because the poster-art has commercial value, our younger artists begin to imitate it,— I mean keep on imitating it,— or, if not its precise forms, the principles underlying them,— what will follow? A framed picture will begin to occupy exactly the same position in the eyes of the populace as a dressmaker's show window. What is there this year seems beautiful. What was there five years ago seems ugly. Not because either is beautiful or ugly intrinsically,— perhaps I ought to say neither is beautiful intrinsically,— but because the dressmaker has to make money. And people call, and most of them think, the prevailing style beautiful, merely because it happens to be current and popular. They are so constituted that, consciously or unconsciously, they are unable to resist the tide that, apparently, is bearing along every one else. When the same tendencies appear in art it strikes me that the critic who is of value to the world is the man who, in case public opinion be setting in the wrong direction, is able to resist it, is able to look beneath the surface, analyze the effects, detect the errors, put together his conclusions, and have independence enough to express them. When the current theory is riding straight toward the brink, he is the man who foresees the danger, screws down the brakes, and turns the steeds the other way,— not the sentimentalist irresponsibly swept into folly by the fury of the crowd, or the demagogue whooping its shibbo-

leth to the echo, because, forsooth, he must be popular. The truth is that, just so far as the tendency of the kind of art of which we are speaking has its perfect work, just so far there will be no necessity for accuracy in drawing or coloring, and very little discipline afforded the powers of observation, while trying either to produce or to appreciate the completed art-work.

This last sentence suggests that we have not quite done yet with all that can be said of the tendency of the study of art to cultivate these latter powers. With observation of the external material world must be included, as has been intimated, that of our own material bodies, involving both their muscular and nervous systems, involving, therefore, so far as developed from the nervous system, especially through physical exercise, the mind and its various possibilities. Science does much, of course, toward bringing us to a knowledge of these possibilities. A man who uses his eyes, ears, memory, as science necessitates, to say nothing of his powers of analysis and generalization, will learn much concerning them. But think how much more he can learn, both of these and of other powers, when he is forced into the repetitious and conscientious practice which is always necessary before one can acquire that skill which is essential to success in art. And notice, too, while he is acquiring this, how he is being brought into the same conditions of life and method which are necessary in order to attain the ends of religion. What is the object of religion except through practice, in obedience to will and conscience, to make the mind supreme over matter, a man's higher powers the master of his lower powers, to make the body, as the Bible terms it, a living temple for the spirit? When we think of it, we recognize that, while science does comparatively little in this direction, art does an immense deal. The student of art cannot keep from learning through personal experience how months and years of exercise in voice and gesture, in playing music, in drawing, in painting, in carving, give one a mastery over the physical possibilities of the body not only, but of the mind. He is forced to realize as others cannot that there comes to be a time when every slightest movement through which music, for instance, passes with the rapidity of electricity from a printed score through the mind and fingers of a performer, is thought of and directed, yet in a thoroughly unconscious manner, because all the conscious powers of the mind are absorbed in the thought and emotion which is producing the general effect. The student of

art has thus before him constant internal evidence of the way in which the higher mental nature can gain complete ascendency over both the lower physical and the lower psychical nature. He knows practically as well as theoretically in what sense it can be true spiritually that the man who is to enter into the kingdom of heaven, who is to become with all his powers subject to the spirit that is sovereign there, and who is, without conscious effort, to embody in conduct its slightest promptings, is the man who consciously starts out with scrupulous and often painful efforts to do the will of the Father who is in heaven. Thus, in this regard, the study of art completes the lesson learned from science; and it does so by co-ordinating it to the lesson learned from religion.

We have been considering scientific, religious, and artistic education so far as related to developing the powers of observation, and everything that enables the mind to master — as is mainly, though not exclusively, necessary in science — that which comes to it from the material world without. Now let us consider the same as related to developing powers of reflection; *i.e.*, of constructive thinking, and the mastery — which is mainly, though not exclusively, necessary in religion — of that which comes from the mental world within.

A man begins to reflect, to construct thought, when he learns to draw an inference as a result of putting together at least two things. Of course, he does this when engaged in scientific pursuits. For success in them, nothing is more essential than classification; and the fundamental method of classification is grouping like with like. But notice to how much greater extent a man is obliged, at the very beginning of his work, to carry on this process in art. Art is distinctively a product of imagination, of that faculty of the mind which has to do with perceiving images,— the image of one thing in the form of another. While science, therefore, may find a single form interesting in itself, art, at its best, never does. It looks for another form with which the first may be compared. While science may be satisfied with a single fact, art, at its best, never is. It demands a parallel fact or fancy, of which the first furnishes a suggestion.

This imaginative and suggestive character of art does not need to be proved. We can recognize its influence in every artistic result. The movements of sound in music image, for the sake of the beauty that may be developed in connection with the construction of such an image, the movements of the voice in speaking.

The metaphors and similes of poetry image by way of description the scenes of nature. Pictures and statues image them on canvas or in marble; and architecture, even when devoid of sculptural ornamentation, is a method of working into an image of beauty the forms through which the primitive savage provides for security and shelter. We may say, therefore, that the very beginning of the mental tendency that culminates in art is a suggestion to the imagination of relationships as existing, primarily, between forms, and, secondarily,— because both are necessarily connected,— between methods or laws which these forms illustrate. And how is it with the continuation and conclusion of this tendency? Do these, too, emphasize, in a way to be of assistance to science, the same conception of relationships? A moment's thought will reveal to us that they do, and, that here, too, therefore, as in the former part of this discussion, the study of art can be shown to be of assistance to that of science by way both of anticipating its needs and of completing its results. Consider, for instance, the two directions in which it is important for the scientist to notice relationships, and in connection with this consider the respective classes of studies which are usually considered the best for training the mind to think in these directions. The directions are those corresponding to space and time, which are ordinarily termed comprehensiveness of thinking and consecutiveness. The studies are the languages, especially the classics, and mathematics. The classics, requiring the student, as they do, to observe several different relationships between almost every word and every other word, as of gender, number, case, mood, voice, etc., are supposed to cultivate breadth, or comprehensiveness, of thinking; *i.e.*, the ability to consider things not as isolated, but as related to many other things, and, in the last analysis, to all things, *organically*. The mathematics cultivate consecutiveness of thinking; *i.e.*, the ability to consider things as related one to another, *logically*. Everybody admits the importance of training the mental powers in both directions. But notice, in the first place, how much art has to do with furnishing the possibility of either form of training. Where would have been any study whatever of the classics, had art done nothing for literature? We should have had no laws of Latin and Greek prosody unless the poets had written in rhythm, and no laws of syntax unless philosophers and historians, as well as poets, had been careful about art in style. Again, where would have been our study of mathematics, of the resulting effects

upon one another of lines, curves, or angles, or our study of physical science as determined by such laws as those of sound, or color, had it not been for the interest first awakened by their æsthetic effects in architecture, music, painting, or sculpture? Whether considering nature or art, men always notice appearances before they investigate the causes determining them. The old Egyptians were studying architecture when they began the investigations which built up their system of mathematics. Pythagoras was studying music when he began the discovery of the laws of sound, and Leonardo and Chevreul were studying art when they made their contributions to the understanding of color; and, though the time has now come when those composing the advancing army of science have moved into every remotest valley of the invaded country, apparently needing no longer any leadership of the kind, they never would have begun their advance unless, like the members of every conquering army, they had at first marched behind a standard that in itself was a thing of beauty.

So much for the services of art in anticipating the needs of scientific study. Now let us notice how it aids in completing its results. When the mind has attained all that classical and mathematical training can give, when one has learned to relate organically and logically everything on each side of him and in front of him, what then? Where does the breadth of view cultivated by classical culture cease? Where does the line of logic projected along the vista of mathematical sequence end? I think that you will admit that the one ceases and the other ends where it should, in the degree in which each attains to something hitherto undiscovered in the knowledge of facts or the understanding of principles. Now I wish to show that this result follows only in the degree in which imagination, in the form in which it is cultivated in art, works in conjunction with the other powers of the mind. There always comes for the scientist a place where material relationships are no longer perceptible, a time where logical sequences of ascertainable phenomena end. He finds the course of his thought checked, whether he look sidewise or forward. There is still infinity in the one direction and eternity in the other; and the mind that can make discoveries of great truths and principles is, as a rule, the mind that, when it can advance no longer, step by step, can wing itself into these unexplored regions. How can it do this? Through imagination. How can imagination, through doing it, detect the truth? According to a law of being which

makes the mind of man work in harmony with the mind in nature, which makes an imaginative surmisal with reference to material things a legitimate product of an intelligent understanding of them. This is the law of correspondence or analogy, which can often sweep a man's thoughts entirely beyond that which is a justifiable scientific continuation of the impression received from nature. Only in art is the mind necessitated and habituated to recognize this law, which fact may not only suggest a reason why so many successful inventors have started in life, like Fulton, Morse, and Bell, by making a study of some form of art; but it may almost justify a general statement that no great discovery is possible to one whose mind is not able to go beyond that which is ordinarily done in science. As a rule, before an expert in this can become what we mean even by a philosopher, not to speak of a discoverer, he must possess, because born with it or trained to it, that habit of mind which leaps beyond scientific conclusions, in order to form imaginative hypotheses. It is only after some one has made suppositions, as Newton is said to have done, when he saw the image of gravitation in the falling of an apple, that those who adhere strictly to the methods of science find work to do in endeavoring to prove them. Nevertheless, many scientists have a subtle, even a pronounced disbelief, in that arrangement of nature in accordance with which matter and mind, knowledge and surmisal, always move forward on parallel plains with the mind and its surmisal some distance ahead. Their disbelief is owing to a lack of imagination, and this is often owing to a lack of the kind of culture which they might derive from giving attention to some phase of art. And yet the majority of them, perhaps, believe that art is a mere adjunct to intellectual training,—an ornamental adjunct, too, introducing, like the carving on the keystone of an arch, what may be interesting and pretty, but is not essentially useful. This is a mistake. In important particulars, it may be said that art is not the carving on the keystone, but the keystone itself, without which the whole arch would tumble.

It will be noticed now that we are approaching the place at which, in the most important sense, art may be said to spring the bridge across the gulf that separates religion from science. The mind is never strictly within the realm of science when it is arriving at conclusions otherwise than through methods dealing with material relationships. Nothing is scientifically true, unless it can be shown to be fulfilled in fact; *i.e.*, in conditions and results

perceptible in ascertainable phenomena. The moment that thought transcends the sphere possible to knowledge, it gets out of the sphere of science. But, when it gets out of this, what sphere, so long as it continues to advance rationally, does it enter? What sphere but that of religion? And think how large a part of human experience — experience which is not a result of what can strictly be termed knowledge — is contained in this sphere,—the impulses of conscience, the dictates of duty, the cravings for sympathy, the aspirations for excellence, the pursuit of ideals, the sense of unworthiness, the desire for holiness, the feeling of dependence upon a higher power, and all these together, exercised in that which causes men to walk by faith, and not by knowledge. What shall connect the sphere of knowledge with this sphere of faith? No method, as has been intimated, has yet been found of conducting thought from the material to the spiritual according to any process strictly scientific. There comes a place where there is a great gulf fixed between the two; and the one who leads the conceptions of men across this gulf must, like the great Master, never speak to them without a parable,— *i.e.*, a parallel, an analogy, a correspondence, a comparison. Did you ever think of the fact that, scientifically interpreted, it is not true that God is a father, or Christ a son of God, or an elder brother of Christians, nor the latter children of Abraham? These are merely forms taken from earthly relationships, in order to image spiritual relationships, which, except in imagination, could not in any way become conceivable. Now this method of conceiving of conditions, which may be great realities in the mental, ideal, spiritual realm, through the representation of them in material form, is one of the very first conditions of a religious conception. But what is this method? It is the method of art. Without using it in part, at least, science stops at the brink of the material with no means of going further, and religion begins at the brink of the spiritual with no means of finding any other starting-point. Art differs from both science and religion in finding its aim in sentiment instead of knowledge, as in the one, and of conduct, as in the other. But notice, in addition to what has been said of its being an aid to science, what an aid to religion is the artistic habit of looking upon every form in this material world as full of analogies and correspondences, inspiring conceptions and ideals spiritual in their nature, which need only the impulse of conscience to direct them into the manifestation of the spiritual in conduct. This habit of mind is what

art, when legitimately developed, always produces. It not only necessitates, as applied to mere form,— and in this it differs from religion and resembles science,— great accuracy in observation, but also, as applied to that which the form images,— and in this it differs from science and resembles religion,— it necessitates the most exact and minute fulfilment of the laws of analogy and correspondence. These laws, which, because difficult and sometimes impossible to detect, some imagine not to exist, nevertheless do exist; and they give, not only to general effects, but to every minutest different element of tone, cadence, line, and color, a different and definite meaning, though often greatly modified, of course, when differently combined with other elements.

This fact is exemplified in all the arts; and it is that which makes an art-product, as distinguished from a scientific, a combined effect of both form and significance,— of form, inasmuch as it fulfils certain physical laws, as of harmony or proportion, which make the effect agreeable or attractive to the physical eyes or ears; and of significance, inasmuch as it fulfils certain psychical laws, as of association or adaptability, which cause it to influence favorably the thoughts and emotions. If, for instance, we ask a man why he has depicted a figure gesturing with the palm up instead of down, he cannot say, if giving a correct answer, that he has done it for the sake merely of the form, in case he means to use this word in its legitimate sense as a derivation of the old Latin word *forma*, an appearance. One gesture, if both be well made, may *appear* as well as the other. The difference between the two is wholly a difference of meaning, of significance. This difference, moreover, is artistic. For merely scientific purposes the one gesture, in such a case, would be as satisfactory as the other.

That form in art as contrasted with form in science is suggestive in the sense just explained, we all, to a certain extent, recognize. When, in music or poetry, we are discussing the laws of rhythm, harmony, or versification, we are talking, as the very titles of most books written upon these topics indicate, about the science of these subjects. When we are discussing the influence upon thought or emotion of consecutive or conflicting themes or scenes in an opera of Wagner or a drama of Shakspere, we are talking about that which, though partly conditioned upon the laws of science, nevertheless transcends its possibilities. No matter how perfect rhythm or rhyme one may produce through arrangements of words, the result is prose, not poetry, unless the thought, instead of being pre-

sented directly, is represented, as we may say, indirectly, so as to cause it to afford virtually an argument from analogy. Frequently, one judges of poetic excellence by the degree in which the thought or emotion could not be communicated at all unless it were thus suggested rather than stated, by the degree, therefore, in which its essential character is subtle, intangible, invisible,— in short, spiritual. The same is true of sculpture, architecture, and painting, though the fact is not equally acknowledged in each of these arts. No one thinks of not judging of a statue by its significance for the mind — *i.e.*, by the subject represented in its pose, gestures, and facial expression — fully as much as by the mathematics of its proportions or the technical skill of its chiseling. Large numbers of persons judge of a building in a similar way, considering the embodiment of the mental conception in the general arrangements and appearances causing them to be representative of the plan of the whole, or illustrative of special contrivances of construction in the parts, to be fully as important as the character of the masonry or even the proportion and harmony of the outlines. But, when we come to painting, we find many, especially artists and critics influenced by artists, who deny the importance of considering mental and spiritual significance as distinguished from that which has to do with the appeal of the form to the eye. Of course, if they deny this, we are obliged to infer from what has been said already that they do so because, in some degree, they fail to perceive that art involves that which transcends the possibilities of science. If, with this suggestion as a clew, we examine the facts, we shall find that those who hold this theory are pre-eminently colorists, not draughtsmen. Of late years the development of coloring has necessarily proceeded on scientific lines; and this may be one reason why certain students of it hold to the scientific view that even in art the meaning that a form conveys to the mind need not be specially considered. Moreover, color in nature is not fixed. It changes with every shifting of the sun. Therefore, it is possible to conceive of a colorist, though not of a draughtsman, without a keen sense of definiteness in form, as regards either outline or suggestion. But beyond these reasons there seems to be another. Strange as it may appear, it is the fact that apparently the rest of the world, aside from those who are in art-circles, accept the view that has been presented here without question.

A friend of mine, who sent his son to a school in England, told me that the boy came back a perfect fool. To restore a rational

action of mind, it became necessary to resort to argument. "What do you roll so for, when you walk? Are you drunk? What do you stick out your elbows so for? Are your arm-pits chapped? Do you think yourself drowning every time you try to shake hands?" "Oh," said the boy, "You Americans haven't any way of letting people know that you have been in good society." This may suggest one reason why the opinion of common people is not always accepted by those who wish to be thought uncommon. Thus put, it may seem an unworthy reason, not consistent with earnestness and sincerity. But would such an inference be justified? The fact that people ordinarily judge of a picture by its significance is a proof that the ordinary picture has significance. But the artist does not wish to produce an ordinary picture. So, he says, "The kind of picture that I produce need not have significance." His motive is praiseworthy. He wishes to attain distinction. But, intellectually, he starts with an erroneous premise; and this, of course, leads him to an erroneous conclusion. It is not significance that makes a picture ordinary: this merely makes it a picture rather than a product of decorative art. That which makes it ordinary is the form in which the significance is presented. To change a theological essay into a "Paradise Lost," it would not be necessary to drop the significance: that could be kept; but it would be necessary to change the form.

We may be sure that any theory true as applied to one art is in analogy to that which is true of every other art of the same class; and I, for one, refuse to take from the art of painting its right to be classed among the other higher arts. It is on account of the distinctive appeal, beyond that which can be made by decorative art, which painting can make through significance to the human mind that it has a right to be classed with the humanities. Some time ago I heard a story intended to represent the effect that should be produced by this art. It was said that some one, in a French gallery, noticed two painters approach a picture, and heard them discuss the coloring of some fowls. After about ten minutes they turned away; and, just as they were doing so, one of them said to the other: "By the way, what was that picture about? Did you notice?" "No," said the other. Now, while this illustrates the kind of interest which not only the painter, but the artist in any art,— music, poetry, sculpture, or architecture,— necessarily comes to have in the technique of his specialty, it does not illustrate all the interest which one should have who has a true

conception of what art can do for people in general. It does not illustrate the sort of interest that Angelo, Raphael, or Correggio, had in their productions. A musician or poet who should have no higher conception of the ends of art would produce nothing but jingle. In this the laws of rhythm and harmony can be fulfilled as perfectly as in the most inspired and sublime composition. Do I mean to say, therefore, that every artist, when composing, must consciously think of significance and also of form? Not necessarily. Many a child unconsciously gestures in a form exactly indicative of his meaning. But often, owing to acquired inflexibility or unnaturalness, the same child, when grown, unconsciously gestures in a form not indicative of his meaning. What then? If he wish to be an actor, he must study the art of gesture, and for a time, at least, must produce the right gestures consciously. And besides this, whether he produce them consciously or unconsciously, in the degree in which he is an artist in the best sense, he will know what form he is using, and why he is using it. The fact is that the human mind is incapable of taking in any form without being informed of something by it; and it is the business of intelligent, not to say honest, art to see to it that the information conveyed is not false, that the thing made corresponds to the thing meant. Otherwise, we all know or ought to know the result. Who has not had experience of it? I have seen college dormitories meant to be comfortable and healthy, but so planned that not a ray of sunshine could get into more than half of their study rooms; libraries meant to read in, but with windows filled with stained glass that would ruin the eyes of every one who at tempted to read in them; auditoriums meant to see and hear in, yet crowded with stone pillars preventing large numbers from doing either, or filled with rectangular seats crowded together so that no one could even remain in the place with comfort. These were results of paying attention to form, and not to significance, or that for which the form was intended. Analogous effects are just as unfortunate in painting. I have been in court-rooms, supposed to be decorated for the purpose — for this is all that decoration of the kind is worth — of producing an impression upon those who enter them of justice; but the only possible impression that could be produced was that the halls were to be devoted to perpetual investigations into the mysteries of orgies not conducted according to the conventions of Puritanic propriety: — women who ought to have been in a warmer place, and whom it was impossible

to conceive of as winged creatures, doomed to eternal roosting upon the cornice against the domed ceiling. And what inspiration there might have been for the common people, accustomed to gather there, had the walls been filled with representations of great acts of justice and humanity with which the pages of history of almost every age and country are crowded! Granted that some paintings like this are flamboyantly panoramic. A great painter can make them something else; and historic paintings in themselves are as legitimate as historic dramas. Granted that the literary tendency in painting is sometimes misleading, though not so misleading as the deductions which artists and critics without ability to think have drawn from the fact. The paintings of which I speak now need not be literary in any sense that makes them inartistic. Indeed, a very important element in the suggestion made, that which allies it to what has just been said of architecture, is the fact that every elementary line and color before as well as after being combined into the general effect of a picture has in nature, owing to its predominating uses and associations, a meaning appropriate to itself; and an artist who does not recognize that this is the case, no matter how well he understands the science of line and color, fails. "What kind of a painter is he?" I asked the other day of an artist of taste, mentioning at the same time the name of one of whom all of us probably know. "Why," replied the artist, "he is what I call a vulgar painter." "Are you getting ethical in your tastes?" I said. "Not that," he answered, "but don't you remember that picture of a little girl by Sargent in the National Academy Exhibition last year? You couldn't glance at it, in the most superficial way, without recognizing at once that it was a child of high-toned, probably intellectual, spiritually-minded, aristocratic parentage and surroundings. Now, if this man had painted that child, he could not have kept from making her look like a coarse-haired, hide-skinned peasant." It is easy to perceive that, if this criticism were justifiable,— and the one, at least, who made it must have thought that it was,— the fault would lie back of any scientific knowledge of color or any technical faculty in the use of it. It would lie in the fact that the artist had never learned that the round, ruddy form of the vital temperament that blossoms amid the breeze and sunshine of the open field has a very different significance from the more complex and delicate curves and colors that appear where the nervous temperament is ripened behind the sheltering window-panes of the study.

An artist who believes in significance merely enough to recognize the necessity of representing it in some way can, with a very few thrusts of his knife, to say nothing of his brush, at one and the same time relieve the inflammation of chapped cheeks, and inject into the veins some of the blue blood of aristocracy.

As intimated a moment ago, those who claim that the highest quality of art can be produced without regard to significance are conceiving of art as if it involved exclusively that which is in the domain of science. Yes, it may be answered; but are not those who insist upon the requirement of significance, especially significance of an elevated character, conceiving of art as involving that which is in the domain of religion? Certainly they are, yet not as involving this exclusively. Art includes something that pertains to the domain of science, and also something that pertains to the domain of religion. When an artist depicts nature just as it is, if there be any such thing as natural religion, he produces upon the mind something of the effect of natural religion. If he depict humanity, he produces — if there be any such thing — something of the sympathetic effect of social religion. And in both cases he adds to the effect the influence which each has had upon his own character, and produces, if he have any, something of the effect of personal religion. Art combines the influences of God in nature, God in humanity, and God in the individual. It makes an appeal that is natural, sympathetic, and personal; but it does all this in a way that seems divine, because the factors of representation are reproductions of the divine handiwork. As applied to literature, for instance, it is a fact that, when spiritual discernment and brotherly charity that judge by faith that is deeper than creeds, and by motives that lie nearer to the heart than actions, fulfil their missions of guidance and enlightenment for their age, the very same ideas which, if stated in plain prose, would send their writer to ostracism or the stake, are accepted and approved, if, through the suggestive methods of art, they are represented in what may be called the divine terms of nature. What would have become of Dante, in his age, if he had proclaimed that a pope could be kept in hell or a pagan be welcomed in Paradise? Yet, when he pictured both conditions in his great poem, how many questioned his orthodoxy? We may apply the same principle to any form of literary art. It is less the modern pulpit than the modern novel that has not only freed the slave and unfrocked the aristocrat, but has snatched the standards of sectarianism from

the hands of hypocrites and bigots, and restored for all the Church the one standard of Constantine, and that one not held up by the hands of man, but flaming in the sky. So with the other arts. Even in the rhythm and harmony of music, though representing laws almost too subtle for our comprehension, there is something that tends to make not only every pulse throb in unison, but also every protoplasmic fibre tendrilled nearest to the soul. Under the pediment of the temple, the arches of the cathedral, the dome of the mosque, always, too, in the degree in which these are great works of art, the predominating impression is that of the universal fatherhood of God, which all alike represent. Nor is there a statue or a painting which depicts natural life, especially human life, as we are accustomed in our own day to see it,—yet notice that this argument could not apply, even remotely, to anything approaching deformity or vulgarity,—but every curve or color in it that forms the line of contact where the waves, bearing their burdens of joy or sorrow, break against its palpitating frame,—but every curve or color in it seems to frame the soul of one to be loved, not by another, but by ourselves; and, so far as Providence sends spiritual development through imparting a sense of sympathy with friend, brother, sister, father, mother, wife, or child, there, in the presence of art, that development for a time is experienced.

In fact, in every department of art, if only our powers of apprehension were sufficiently subtle, its influences might be perceived in the aspects of great natural forces streaming up from the surface of the globe through the senses of those inhabiting it, and radiating into a spiritual halo stretching starward above every realm and age that the world whirls upward, as it goes spinning through its course.

But enough. The conception suggesting this paper has been sufficiently unfolded, if it has been made clear in what sense it is true that æsthetic studies, among which one may include anything that has to do with elocution, poetry, music, drawing, painting, or modelling, whether we consider their influence upon the artist or upon the patron of art, are needed, in order to connect and complete the results of education as developed through science alone or through religion alone. These studies can do for the mind what science cannot, crowning its work with the halo of imagination and lighting its path to discovery. They can do for it what religion cannot, grounding its conceptions upon accuracy of observation and keeping them true to facts. Art unites the purely intellectual in-

fluences of the two other spheres. It can not only hold the mirror up to nature, but it can make all nature a mirror, and hold it up to the heavens. In times of intellectual and spiritual storm and stress, when night is above and waves below and winds behind and breakers ahead, its voice can sometimes speak peace to the troubled waters, and bring a great calm; and then, in the blue at our feet, we can see not only a little of the beauty of a little of the surface of the little star in which we live, but something also of the grandeur of all the stars of all the universe.

II. DEPARTMENTS OF FINANCE AND SOCIAL ECONOMY.

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1. CO-OPERATIVE BANKING IN THE UNITED STATES (1873–1898).

BY F. B. SANBORN, OF CONCORD, MASS., CHAIRMAN OF THE DEPARTMENT.

[Read Wednesday morning, August 31.]

Before introducing the speakers of this morning's session, permit me to speak of a subject which has at various times occupied the attention of our Social Economy Department, and was one of the first which it investigated, after its organization in 1874. I mean Co-operative Banking,— what is more commonly called by the less descriptive name of "Building and Loan Associations," — a multitude of small organizations which do a banking business of a special character, and have lately combined themselves in State Leagues and a national League which met this summer at Omaha, and has since published Proceedings of much interest. In addressing this Omaha meeting, at the invitation of its officers, I had occasion to recall events connected with our Social Science Association, and may therefore quote what was then said: —

"It will soon be a full quarter-century since that public-spirited citizen of Boston, the late Josiah Quincy (grandfather of the present mayor, and grandson of the Revolutionary patriot of the same illustrious name), first brought to the notice of the American Social Science Association, of which I was then a Secretary, the Philadelphia banking institutions, then only known under the title of 'Building Associations.' They were new to most of us, though they had existed in the Middle States, to the number of several hundred, for twenty or thirty years, and had spread from Philadelphia and Baltimore to Cincinnati and other Ohio cities, where Savings-banks were virtually unknown. Mr. Quincy soon after published a pamphlet on the subject; and our Association appointed a committee, of which I was a member, to investigate the

history and results of this peculiar form of co-operative savings-bank. Several of our members — among them Robert Treat Paine, Gamaliel Bradford, and J. S. Ropes — became interested in what they discovered concerning the methods and general good result of the Philadelphia Associations; and means were taken to procure legislation to authorize similar banks in Massachusetts. . . . This was more than twenty years ago; and now there are in Massachusetts alone more than one hundred and twenty such banks, controlling many millions of property, and with a record of safe and useful business. In other States a like extension of the system has taken place, until there are now, I suppose, more than six thousand such 'People's Banks' in the forty-four States of our Union."

Several times, after 1875, when Mr. R. T. Paine discussed these co-operative banks at some length in our Detroit meeting, have committees of this department taken up the fruitful topic; and it was in a communication on the associations of Illinois that we first learned the merits of our Finance Chairman, Professor Jenks, as investigator and reporter. Such banks seem peculiarly appropriate for consideration in our department, since they represent and foster a form of Social Economy, as distinct from Public Economy, giving to households of small income the opportunity of owning their own homes, and thus promoting that welfare in minor matters which our department was organized to consider and promote.

Falstaff told the chief justice, in one of his memorable conversations with that dignitary, "It was always yet the trick of our English nation, if they have a good thing, to make it too common." Something of this sort has been of late years the fortune of the American Building and Loan Associations. Their great success, when confined to localities and managed on a small scale, together with something a little mysterious in the old way of premiums and rate of interest, which easily gave opportunity for bewildering the imagination of investors, has encouraged "promoters," of whom the London blackguard, Hooley, is just now the typical instance, to set up investment companies under the name of "national" building associations, which have had little success, except in the way of giving their officers high salaries. At the same time the genuine local co-operative banks have been either too thickly placed or too carelessly managed, so that fraud has crept in sometimes, or loans too insecurely made, where honesty

prevailed, have diminished the legitimate profit to investors by delaying the repayment of loans. The investing members also, even in well-managed associations, have often exceeded their due proportion to the borrowing members, and thus diminished their own profits, while stimulating the officers to make loans on insufficient or unmarketable real estate. Out of all this and other causes, due in part to the panic years since 1892, which affected the co-operative banks less than most financial institutions, but yet had their disturbing effect, has grown in some sections of the land a distrust of building associations and a diminution of their number and usefulness. At recent meetings of the National and the State Leagues this fact has appeared, and has been variously commented upon. At the Omaha meeting, just mentioned, I felt it a duty to address some words of warning to the members of such associations in regard to the dangers (in a country so over-sanguine, and so given to gambling and fraud in speculative transactions, as our nation certainly has shown itself) of allowing those evils to poison the safe management of their promising institutions. I said: —

"The gambling spirit which is so marked a feature in most of the financial transactions of our country, and of the whole world at present, may be indulged in by young men, who have money of their own to risk, though for them it is not to be encouraged. But with men who hold the property of others in trust, every incentive to gamble with such property should be sternly repelled: the only sure rule is to be content with small gains, and seek safety above all things. Moreover, this gambling spirit is a great corrupter of honesty; and there is no reason in the nature of things why a co-operative-bank treasurer or secretary may not sometimes follow the bad example that so many bank presidents and saving-bank treasurers and cashiers of national and private banks have been setting for many years, and never more frequently or habitually than now. Fraud and embezzlement are the crying evils of our whole credit and loan machinery: the least distrusted official is often found to have been the greatest and the slyest thief. With trust money it is impossible to be too watchful; and, when embezzlement has occurred, it is the shortest-sighted policy to overlook it or to deal lightly with the culprit. The amount stolen may be large or small; but the dealing with the thief should always be strict, though the theft be trifling. Do not mince matters, nor use mild terms to describe the act of stealing: it is theft, whenever and

wherever it happens; and oftentimes it is theft with greater aggravations than if the robber had met his victim in the highway, and pillaged him after knocking him down."

The temptation which the so-called "national" building associations hold out to extend co-operative banking beyond certain strict and narrow limits is apt to be followed by swift failure. Speaking soberly, a single co-operative bank can no more be "national" than a village or a farm can be. Localization of function is the very essence of this form of banking, which was created to work in single localities, and cannot much extend operations without greatly added risk. The co-operative banks can be national, and are such, by associating many small banks together, until the league includes the whole extent of our ample republic. They are properly a federated, not a centralized, money-power: the secret of their success is that of the nation at large,— a whole made up of many parts,— not an imperial tyranny, dictating to distant colonies what is good neither for the colony nor the empire. The nation is just now in some danger of forgetting this secret of its greatness, and straining after the success of nations that have a wholly different formation and destiny. This matter will be considered in the discussion which is to follow on the Social-Economic aspects of a proposed Anglo American alliance, and need not now be dwelt upon.

But the co-operative banks are not allowed to forget their original, natural function. Failure attends and will attend every step they may take outside of their prescribed limits. A duck out of water, a balloon navigating the water instead of the air, a school of mackerel carrying on land operations in Cuba,— these are types and symbols of co-operative banks aping the achievements of those huge aggregations of capital which Providence (for our sins) has allowed to exist in this age and country. Genuine co-operation is a confederation of small efforts tending to a great result: the sham co-operation of enormous capitalists, for their own aggrandizement, soon ends in ruinous competition, or in the spectacle of one grand shark eating up all smaller fish (sharks and all), and then dying of the surfeit.

Our Department of Social Economy has seen the American co-operative banks grow from a small and comparatively unknown group of widely separated bodies into a far-spread and still spreading union of institutions, so numerous and powerful as both to invite attack and to wield a considerable political and legislative force. The latter also involves a considerable risk; and what I

have observed in Massachusetts is probably true of other States, notoriously, it is charged, in New York and Pennsylvania. For more than forty years I have been cognizant of legislation in my own State, and at times have had something to do with shaping it, for the good of the poor, or the better organization of State administration. During that time I have seen important legislation bought and sold; and the traffic has gone on increasing, as the moneyed interests involved have grown greater and more grasping. Legislative blackmail has also grown up in that period, — it was unknown before the Civil War,— and is now a recognized feature of our annual sessions. The co-operative banks, in some States, are tempted by the attacks of blackmailers, and by a wish to prevent injurious legislation, to oppose their antagonists with their own weapons. It is a dangerous game for honest men to play: their best strength is the simple and defensible integrity of their own purposes, leaving to the lobby and the blackmailers their shameful instrumentalities, which can only injure good men, if employed merely in their own defence.

The papers of this morning's session cover a wide range, and serve to illustrate the broad scope of our department's name. They are commended to your attention and debate.

Mr. HASKINS (Poughkeepsie).— America has been styled by foreigners a land of homes. Instinctively, the oppressed of all the nations of the earth look to the new country as a place where they may build a home and rear their families in comparative comfort and ease. I believe our Chairman has presented a very important subject in his discussion of the co-operative savings and loan associations. But out of that movement has come a new inspiration to the average wage-earner in the land. The bank acts as a dam across the stream for all the little rivulets coming down the mountains, gathering up the waters that otherwise would be wasted, and sending the waters over the boom in rightly directed channels to turn the machinery of the mills. So the co-operative bank gathers the little rivulets of money, here and there a few dollars, and stores them up, and sends them forth in well-directed channels to build homes and do this and that and the other thing for the amelioration of society.

I have the honor to be a charter member and secretary of the original building association in my own town for something over eight years, during which I have witnessed a wonderful change in many people. I have seen its uses, as I have been in position to, during that terrible period of strain in '93, '94, and '95, when there was not a hundred dollars due on interest that we did not collect as it came due, and people struggled as they never had struggled before. It is one of the best educating agencies that I know of. The poor man says, "There is a great railroad sweeping by my door, with its stock for sale, but I cannot buy that; but I can put down a dollar this month and a dollar next month, and, lo! before long I have several dollars." I have known men and women draw $50 and $60,

and sometimes as high as $200 out of the association who never had seen so much money before. And I believe the problem of capital and labor is to be settled very largely by the attention that is now given by thinking people to the amelioration of the condition of the working people. Whenever you get a man interested, and he can say, "This spot of ground is mine," that man has given bonds to keep the peace: he has given bonds to uphold the integrity of the government and its institutions. Just the moment you let him feel, "I have a personal interest, a vote in that institution," he has given bonds to become a good citizen. Let us not forget, in carrying out the great policy of our country, this dotting of our land with homes; it helps people who become discouraged, and are ready to say, "every man's hand is against me." This idea of home-building should be fostered. It will do more, in my judgment, to upbuild the country, to make men and women uphold the institutions of the land, than anything else. From the hills and farms of our nation of homes, word has gone around the wide earth that America is able to take care of herself, because she has an intelligent, an educated, and a patriotic citizenship, and that its foundation is the home around which cluster all the interests that can be gathered in any country.

2. THE GEORGE JUNIOR REPUBLIC.

BY MR. THOMAS M. OSBORNE, OF AUBURN, N.Y.

[Read Wednesday morning, August 31.]

The George Junior Republic is situated upon a farm of fifty acres near Freeville, Tompkins County, in this State. It is an institution for the care of dependent and delinquent children, but conducted upon such novel principles that the name "institution," in the ordinary meaning of the word, hardly applies. It is the belief of many who have looked most thoroughly into the workings of the Republic that its founder and superintendent, William R. George, is there developing methods of great importance, which may, in the long run, effect a revolution in the manner of dealing with the friendless and unfortunate children of our city slums.

There is no need to enter upon the change which has taken place within a generation in the conception of charity. After centuries of misunderstanding of the true spirit of Christianity, we are at last learning that charity is not to be indulged in for the pleasure or benefit of the giver, but for the good of the receiver; and that the opportunity for self-help is the true almsgiving. In our revised version of the New Testament the word "charity," in the enumeration of the Christian virtues, appropriately becomes "love." It was in a mental protest against the abuse of charity that the Junior Republic had its beginnings.

There are, doubtless, many among you who have read more or less in the magazines about the Junior Republic and who are, therefore, somewhat familiar with its plan. For the benefit of others it may be stated briefly that the children, varying in age from ten to eighteen years, placed in the charge of Mr. George as superintendent of the Republic, are given in most respects complete charge of and responsibility for their own affairs. They have made their own constitution and laws; they elect their own executive and legislative officers; they dispense justice through their own courts and under their own judges, and immure their convicted criminals in their own prison. These children form, in fact, a real community of their own, an *imperium in imperio*. The

child is placed in the midst of a complete though simple form of society,— a system which adheres as closely as possible to the larger Republic outside,— a system of which he quickly feels himself to be an important part. Of course there are obvious limitations to the freedom enjoyed. For instance, being in reality children, and not men and women, they must, under the laws of New York State, attend school for a certain number of days in each year; but for their school work they are paid much as if they were working in a factory. After all the necessary restrictions are allowed for, it still remains true that the child is practically his own master, to choose between industry or idleness, between obedience or disobedience to the law, between fulfilling or neglecting his duties as a citizen. He can choose between honesty, truth, and manliness, on the one hand, or the prison and the workhouse, on the other.

It must also be borne in mind in getting at the basis of the Junior Republic, that nothing, after the first few days, is *given* to the child. This emphasizes the choice between good and evil to which I have referred. "Nothing without Labor" is the motto of the Republic, and it is intended to be fully carried out. For work on the farm, the carpenter and shoe shops, the kitchen, the hotels and restaurants, the citizens receive their pay in the tin currency of the Republic; and with their money they buy food, lodging, clothes, and what few luxuries the public store contains.

As can readily be appreciated, most of the children who come to the Republic have no idea of work. They are shiftless, idle, and frequently vicious. If they have thought about the country at all, it is as a place to loaf and be fed. There comes a rude awakening. The new citizen finds himself in a community where there is no place for the drone. If he persists in being idle, he must pay the penalty. If he will not work, he cannot eat; for, as has been said, there is nothing to be given away. The new citizen stands dazed and silent, watching his fellow-children file into the restaurants for their dinner. He can get nothing, for he has no money: he has not worked. Then slowly dawns upon him a new idea,— that in real life work is a necessity for all; and he soon goes farther, and discovers that work is a good thing for the worker. He grasps the idea of the true dignity of labor. He finds in the little community that the citizen who works unwillingly, who vibrates between the cheap restaurant and the workhouse, is the one who receives least consideration from his fellow-citizens; and who

of us does not recall the tremendous force of childhood's public opinion? It is the citizen who works, who is economical and thoughtful, that secures the best rooms, the best meals, that serves as legislator or judge, that is respected alike by citizens and visitors. The first great lesson learned, is that of the necessity and dignity of labor.

Then comes the second lesson. If the new citizen of our small Republic be a boy of brains and intelligence, he has probably been a member of some gang of toughs in the city; and, if it has been his good fortune to have been brought up before the police court, he has found himself a hero in the eyes of his comrades. The tougher his experience, the more of a leader he has become. Arrived at the Junior Republic, he aspires to leadership there; and, committing some breach of the law, he is promptly arrested, put in jail, and soon after brought by the boy policeman before the boy judge. In this little court-room all the glamour of crime vanishes. He meets conviction from a jury of his peers; and, as the boy judge sentences him, he breaks down, and cries like a baby. Another boy from the city, who has served a term in a penitentiary, thinks to make himself a hero in the eyes of the citizens by boasting of his great exploits in thieving. As a natural result, the next time anything of value in the Republic is missing, he is promptly arrested on suspicion. He has boasted himself a thief; and, lo! to his amazement, his comrades are in arms against him. So a new conception of law forms itself in his mind. Law is no longer the engine of a far-away and dimly imagined state, but a natural human agency for protecting individuals. It is the expression of the conscience and convenience of the very society of which he forms a part. The law is *his* law, because he has helped to make it; and it exists for the protection and convenience of himself as well as of his neighbors. So, even more quickly than he has learned his first great lesson, there comes to the new citizen a respect for the law. Not fear nor blind obedience to law's mandates, but an open, frank acceptance and understanding of its nature, its meaning, and its importance.

The third great lesson of the Republic is in the duties and responsibilities of citizenship. In no school of which I know is this taught in the effective way it is taught at the Junior Republic,—not by reasoning from the abstract to the concrete, as most of us have learned our citizenship, but by gaining experience in the concrete itself. Upon every citizen is laid the burden of responsibility,

and the State is small enough for him to feel it. He sees that society itself is but an aggregation of individuals, and that he is one of those individuals. He has the chance to feel that he is himself, partly at least, responsible for bad laws, for lax administration, for incompetent officials. Moreover, he has practical experience of the duties of office. He serves in the legislature or as chief of police, as district attorney, as judge, or holds a cabinet office. In short, as one boy quaintly expresses it in a letter: "In other words, it's like as if they have two lifetimes to live through. The first is the time they spend in the Republic in which they gain experience, and the second when they get back to New York."

Gradually there takes hold of the child from the slums a clear, sane, healthy view of his whole relation to society. There is no secret about the matter: his duties as a citizen, his new feeling toward labor, his respect for the law, all make themselves distinct, logical, and understandable. He learns by actual experience, the only possible teacher for such as he; and consider how, in learning by experience thus early in life these great lessons, the child is sloughing off the evil attributes which inheritance and environment have bred in him. Here is material of which good citizens are made,— honest workers, honest voters, with respect for law. From these premises thus gained there can be no escape from right conclusions, if the child's heart at the same time becomes sound, and the clouds of vicious instincts clear away.

Does the child's heart become sound? Here is the most surprising thing of all. The development and change of view toward what may be called the political aspects of society are accompanied by a most extraordinary mental and moral growth in all directions, — a growth not by any means so easily described or reasoned about as in the three points already mentioned,— a growth that must be felt through actual contact with the children before it can be appreciated. Explain it how you will, either by the loving hand, which for the first time many of the children find resting upon their shoulders, or by the natural tendency of a child's nature under proper conditions of healthful work to throw off viciousness, as doctors say it is the natural tendency of the body to throw off disease, or by, what is more likely, a combination of both causes. But, explain it how you will, it is there. We find on every hand a moral and mental expansion which is as surprising as it is delightful to behold. Frankness, truthfulness, honesty, and cleanness of speech,— these are not what you look for in children

of the slums. It is what you find, indorsed by public opinion, and in most surprising measure, at the Junior Republic.

It may be stated in conclusion that all these results seem to be produced in a perfectly natural and logical way. It is following along the normal lines of the child's nature,— the lines of least resistance. You are harnessing in the service of society the unbridled forces of evil, and it is all done in the true spirit of the Founder of Christianity, in "faith, hope, and love, these three ; and the greatest of these is love."

Rev. Mr. JUMP.— I wish to ask as to the term usually spent by these boys in the Junior Republic.

Mr. OSBORNE.— Of course, the time depends upon the circumstances in each particular case. A certain boy or girl needs to be kept longer than another, and the aim is to keep that boy or girl there until he or she has learned the lessons. We have taken children as young as ten, and kept them there until they were eighteen. The limit is from ten and twelve to eighteen, with power in the executive committee to take children younger or keep children older.

Mr. SANBORN.— Do we not understand the admission is voluntary?

Mr. OSBORNE.— Yes. The admission is in various ways. In some cases parents have sent the children by parental authority. One or two cases of suspended sentences by the court provided the child should go to the Junior Republic.

A GENTLEMAN.— Are there laws against profanity?

Mr. OSBORNE.— Yes, and laws against smoking passed by a legislature of cigarette fiends.

Dr. LEIPZIGER.— Any religious test for admission?

Mr. OSBORNE.— No. There has been an effort to turn the Republic toward some one religious form, but Mr. George's idea is that the religious work should be as broad as the rest of the work.

Dr. LEIPZIGER.— What is the largest attendance at any one time?

Mr. OSBORNE.— As many as two hundred children, but only for the summer. We can only accommodate during the year fifty or fifty-five.

Dr. LEIPZIGER.— What is the cause of discrimination? First come, first served? Any other standard of admission?

Mr. OSBORNE.— No particular standard for admission. Certain ones seem more desirable to keep, and those Mr. George keeps. There are many more applications than we can possibly accommodate.

Chairman SANBORN.— It was observed by a modern philosopher that he is a public benefactor who causes two blades to grow where but one grew before. How much greater must be the debt of the community to those benefactors who make two ideas grow where but one grew before!

That has been the great characteristic of the Quincy family, the ancestors of the gentleman we are to hear from; and he is carrying on the family business, as the disconsolate widow said, at the old stand. I suppose it had not occurred to the numerous mayors of Boston since the last Quincy to develop this simple but perfect system of public amusement and public cleanliness. I frequently have occasion to pass along a street where one of these salt-water baths has been established, and it adds very much to my pleasure to see these youths disporting themselves where formerly was a squalid and rather noxious part of the city. In fact, there is no more beneficent mission than that of a new idea, and we shall have them as long as we have Quincys in Boston.

3. PLAYGROUNDS, BATHS, AND GYMNASIA.

BY THE HON. JOSIAH QUINCY, MAYOR OF BOSTON.

[Read Wednesday morning, August 31.]

The subjects of bathing and of indoor and outdoor exercise are so closely related to each other that they may well be considered together. They both fall within the same lines of municipal policy, both have a special relation to the children and young people of a community, and both have for their object the social elevation of the people through the promotion of cleanliness, physical development, and reasonable recreation. It is but a step from the open-air playground to the indoor gymnasium, and the same considerations which warrant the expenditure of public money for the former justify it for the latter purpose. There is no stopping-place, either legally or logically, between the open piece of ground for the children of a neighborhood to play upon in summer and the indoor gymnasium for the same children to exercise in during the winter. It is equally impossible to draw any line between the maintenance of an outdoor bathing-place in summer and an indoor bath in winter, or between a shower bath and tub bath, serving only the purpose of promoting cleanliness, and the swimming-pool, which answers the further purpose of affording facilities for exercise and recreation.

The city of Boston has maintained during the present summer five beach baths, thirteen floating baths, two river baths, and two swimming-pools, which will have furnished before the end of the

summer season between two and three million free baths, at an expense for maintenance, including the furnishing of free bathing suits for children, of about $35,000. This summer work will be followed by the opening of a number of winter baths and swimming-pools, and of at least two or three large public gymnasia.

On account of its combined advantages in promoting at once healthy physical development and wholesome recreation, the all-the-year-round swimming-pool should, in my opinion, rank as one of the most important municipal agencies for the improvement of the condition of the people.

The proposition of the first importance in connection with these subjects is, that facilities of this nature should in a large city be furnished through a considerable number of establishments designed for local use rather than concentrated on a larger scale at one or very few central points. Each local group of twenty thousand or twenty-five thousand people, divided upon lines which are carefully drawn in reference to social conditions and affiliations, should have its own local bathing establishment, gymnasium, and playground. This figure is taken with reference to such a distribution of population as exists in most large cities. Where the population is abnormally crowded, it may of course be possible to make a single establishment serve the wants of a considerably larger number of persons.

The important thing is that the people of a given neighborhood should not have to go too far in order to avail themselves of such facilities. If the bath, gymnasium, or playground, is within half a mile to a mile of the home, it will be readily and extensively used. If it is two or three miles away, its use will be very greatly restricted. The difference between the use of the park and the playground brings out this fact in a striking manner: the great park is indeed of much use and value, and is worth to the community all it costs; but it no more takes the place of the local playground than the university takes the place of the common school. Indeed, a comparatively small portion of the people of a city can use its parks except very rarely. A much larger proportion, if children are included, as they should be, use local playgrounds where these are afforded. Without in the least deprecating the expenditures for great public parks, I have no hesitation in saying that we should do more to promote the social welfare of the people of great cities — which should certainly be considered by their municipal governments as an object of prime importance —

if we expended far more money in providing and equipping local playgrounds, even if we were obliged to economize somewhat upon park expenditures in order to do so.

I am glad to be able to state that the importance of providing playgrounds has now been quite fully recognized by the city of Boston. Within the last three years the city has acquired parcels of land in different sections of the city for playground purposes, and has partially improved them, and by an act passed during the present year our Park Commissioners are authorized to spend not exceeding $200,000 a year, and not over $500,000 in all, "for the purpose of establishing a comprehensive system of playgrounds, not exceeding twenty in number, to meet the wants of the different sections of the city." While there is no money available for use under this act during the current year, it will go into effect at the beginning of next year; and within the next two or three years Boston should be very fairly well provided with local playgrounds. The importance of having the sites for playgrounds selected according to a well-considered and comprehensive plan, instead of being picked out at haphazard, can hardly be overestimated; and we are planning to provide for the needs of the future as well as the present by purchasing land in not yet fully built-up districts, while it can be bought at a comparatively low price.

Perhaps the strongest legal and moral ground upon which to place municipal expenditures for these purposes is that of their important connection with the education of the young. Very few Americans object to anything which falls within the scope of public education, though some object to expenditures for the promotion of the well-being of the adult population upon the ground that they are socialistic. While this objection is hardly to be treated very seriously in the present stage of our civilization, it is always better to move along the lines of least resistance, and therefore we may well bring baths, gymnasia, and playgrounds within the limits of a well-rounded system of public education; for the time has gone by when the education of the young can be confined within the narrow limits of the school-room or to the acquisition of knowledge from books. The things which affect the child outside of the school are, as a rule, more potent than the forces which operate only in the class-room. The healthful development of the body is of no less importance than the development of the mind. It is not too much to say, as by far the larger number of persons must earn their livelihood by some form of manual labor, that a sound body is

of even greater practical importance to the average individual than a well-instructed mind. The relation of cleanliness not only to physical health, but to moral health as well, is too elementary to need dwelling upon.

If the city provides convenient bathing facilities for children, it can exact cleanliness of every pupil in its public schools, and can educate their receptive minds, however poor may be their homes, to the great importance of frequent baths.

The advance of civilization is largely measured by the victories of mankind over its greatest enemy,— dirt. One of the chief and most fundamental differences between the savage and the civilized man is that the former is dirty, while the latter is relatively clean; and the advance of medical knowledge constantly emphasizes the truth that by far the greater portion of all the disease which affects humanity can be traced back to uncleanliness of one sort or another. Cleanliness of the body leads to self-respect and to an appreciation of the importance of cleanliness in the household; and, when physical dirt has been banished, a long step has been taken toward the elimination of moral dirt. If, therefore, we take any reasonable and comprehensive view of what the education of the young consists of, we shall insist upon the provision by the municipality, as a part of it, of facilities for cleanliness and exercise.

The swimming-pool seems to me to possess important advantages over any other form of bathing, particularly for the young. When we make something which is useful also interesting and attractive, we accomplish a great deal. The child who has to be driven into the bath-tub or under the shower goes voluntarily and eagerly to the swimming-pool. When these are provided by the city, every child can readily be required, as a part of the course of public instruction, to learn how to swim. The number who will be saved from drowning by such knowledge may perhaps be very small; but the number who will be permanently benefited by becoming accustomed to this most admirable form of exercise, with the bodily cleanliness which is necessarily incidental to it, will be legion. This does not rest upon theory, but upon demonstrable fact. The mere offer of free instruction in swimming at our summer baths in Boston has resulted in between three and four thousand school-children who did not know how to swim presenting themselves for such instruction during the present summer, and learning the art. I do not hesitate to say that, if Boston had six or eight indoor swimming-pools for her 525,000 people,— and we shall

certainly have half this number in operation during the coming winter,— there would be no great difficulty in seeing that every one of her 85,000 school-children learned to swim.

No student of social science will fail to recognize the important consequences which would follow from the successful accomplishment of such an undertaking, particularly if it were accompanied by a great increase in the number of indoor gymnasia for use in winter and of outdoor playgrounds for exercise in summer.

Nor need the expense of building and maintaining swimming-pools and gymnasia deter any city from establishing them. Land, of course, is expensive in some places; but we have found in Boston that an excellent concrete swimming-pool, eighty feet in length by thirty feet in width, and four to six feet in depth, capable of accommodating between one and two hundred bathers at a time, can be built, exclusive of the building to enclose it, for about $2,500. Outside of the cost of land, a two-story building, with swimming-pool, shower baths, and gymnasium, sufficient in size for an average city ward, can be built, if necessary, at as low a cost as $25,000, and can be well administered for a few thousand dollars a year. If this is compared with other municipal expenditures, many of them for purposes of far less consequence, it surely cannot be said that the expense is prohibitory.

Boston now has two such swimming-pools in operation; and, in spite of the counter-attractions of the salt-water baths, each of them has been used during the summer season by an average of over one thousand bathers a day, a large majority of whom have been school-children. Our experience has demonstrated in a striking manner the local use of such facilities from the fact that, although the swimming-pool last built was only about a mile away from the first one, the attendance of the latter did not appreciably fall off, and the new pool created at once its own local patronage.

We may well, therefore, regard the local bath, gymnasium, or playground as a part of the system of public instruction for the young, treating the use of such facilities by adults as incidental, and not as the primary object for which they are established. I have emphasized the argument of mere utility, but we must not lose sight of the advantages of such municipal policy from the standpoint of recreation. Both the child and the adult must recreate his forces and faculties by a change from work to some form of amusement, if he is to do his best work. We are only beginning in this country to recognize the vital importance of

wholesome recreation as a factor in social development, and the propriety of furnishing to all, at the public expense, some facilities in this direction; for a large portion of the people must practically be without them unless they are so supplied.

The new policy which the city of Boston is adopting in creating a department of public music, and in arranging, not only for an extension of the public band concerts which have been given in summer, but for free concerts indoors during the winter, affords a striking example of public action for improving social conditions in this direction; and, while the swimming-pool and the gymnasium are not intended purely for amusement, the recreation which accompanies their use, and the pleasant occupation which they provide, are by no means to be overlooked. The work of providing facilities for their children to play in a manner which shall be safe and free from opportunities of mischief is no easy one for parents. The social importance of a municipal agency which supplies to the children of the community a frequent occupation, under proper supervision, is by no means small.

The great problem of social science is that of securing some general distribution among all the people of the advantages and facilities which the progress of human knowledge and the advance of civilization have developed in such rich measure.

A sound society must be well developed throughout its membership. In my opinion, one of the most important functions of municipal government is that of promoting the feeling of community, to secure in some measure the enjoyment by all, not, indeed, of an impossible equality of social opportunity, but of a certain minimum of elementary social advantages. It is not within the power of that concentration of forces for co-operative purposes which we designate as a municipality to make all of its citizens well educated or prosperous; but I believe that it can readily secure them sufficient facilities for cleanliness, for exercise, and for recreation, to raise materially the average social standard of the community, and to promote in some measure the general well-being and contentment. No one acquainted with the rudiments of social science will, I think, question the advantages of including such objects within the scope of municipal government, and within the purposes for which it is maintained. The bath, gymnasium, and playground are no unimportant agencies in promoting the civilization of great cities,— a civilization which even now includes too much of barbarism, of squalor, of utter ignorance, for us to contemplate it with equanimity.

These agencies are, to be sure, of the simplest description; but the simple is often the least obvious and the most easily overlooked. Soap and water are, after all, the most potent agencies of civilization. Let us, then, see to their more universal application. It is doubtless true that the great mass of the unwashed will not lead in the movement for the general establishment of public baths; but they will surely follow in the movement if some of those who are already washed will lead in it, and they, and more particularly their children, will flock to the baths as soon as they are opened. If social reforms must generally be started by those who are so well situated that they will not themselves be directly benefited, let us appeal to some of those who have fine bath-rooms in their own homes, and who are able to move to the seashore in summer, with whom personal cleanliness is the most cardinal of virtues, to contribute something of their means and of their efforts toward a crusade for the cleanliness of the whole community, through the provision of public baths for all.

Rev. Dr. ANDERSON.— I desire to ask these questions as to the playgrounds. Are they small parks, and do they become unsightly, as the school ground? Are they laid out as parks? And, in regard to swimming-pools, what are the arrangements, and is there a flowing stream where the water can be changed?

Mayor QUINCY.— I think our idea of a playground is that it should not be laid out as elaborately as a park. We have, for instance, a park called Charlesbank in Boston, which is also a playground in its scope, with open-air gymnasium, and laid out with respect to landscape architecture.

Of course, the bath system must have a liberal water supply in order to be able to use water for a swimming pool. It has to be renewed from once every two or three days to once a day; and the process for renewal is very simple, if you have the water. Simply drain into the sewer and refill the pool. As to the heating of the water, that can be very simply done by blowing steam into it; and it takes surprisingly little fuel to keep the pool warm.

Mr. MCKELWAY.— Do they belong to the city or does the city hire vacant lots from owners for playgrounds, or does it detach a certain acreage from its own park system for the purposes of these playgrounds? In our own city the occupation of vacant lots — in the suburbs there are many — has been found very profitable for the purposes for which playgrounds are instituted. The cost is nominal, if anything at all; and the insured preservation of these lots from nuisances has been regarded as equivalent to their occupation.

Mayor QUINCY.— We do all three things more or less. We have used a very large park or playground or athletic field for foot-ball games, etc.; and I believe in laying out a large park or one good athletic field. We have also hired local playgrounds, but it is a temporary resource, and does not secure the permanent site.

Mr. MCKELWAY.— Has this proposition of playgrounds and baths gone

along with a proposition to use the school-house edifices evenings for public purposes?

Mayor QUINCY.— I am sorry to say that the latter proposition has not been much agitated in Boston as yet. It is certainly something I am in sympathy with. It seems senseless to put large sums of money into expensive and elaborate school buildings, with good halls for use, and absolutely restrict them to the use of the school-children during the day. I have had it in my own mind, and intend to start some action in the future.

Mr. MCKELWAY.— I would like to ask the mayor if his experience is not this: if you let everybody into a park or playground, there is no public badness resulting. Does it not make morality and decency a controlling percentage of demeanor there?

Mayor QUINCY.— That has been our experience, with proper attendance. In the most thickly populated part of the city, where Jews and Italians congregate, with a sufficient force of attendants we have not had the slightest disorder at all, although used by men and women of all sorts of nationalities. The question of order takes care of itself with a minimum of police protection and proper officials. A great deal, in my mind, depends on the man in charge. If he is a man who makes the public understand that a certain standard of decency and order is to be kept up, it will be done.

A GENTLEMAN.— You have to deal with the problem of bathing suits at these baths. How do you manage it?

Mayor QUINCY.— The question brings out a point I have not had time to mention in my paper. We have adopted the policy this year of supplying bathing suits free to boys and girls, and that largely on educational grounds, in order to induce them to learn how to swim; and, as we could not distinguish those who wanted to learn to swim from those who did not, we adopted the theory that all children should have bathing suits free. Adults pay only five cents for the use of one suit, except at the central bath at the North End Park, in the Jewish and Italian quarter, where we have arbitrarily adopted the rule that bathing suits shall be free. The small cost of five cents would be a large fee for people in that neighborhood, and we want to induce them to bathe. Anybody can bring his own bathing suit without charge. We charge for use of towels one cent each, and we have had between two and three hundred thousand towels used at that rate. The city has expended about six or seven thousand dollars to provide these bathing suits and equipment to begin the season on. I have no doubt that the reason for the large attendance over last year has been the facilities which have been offered in bathing suits, and, as a result of our experience, I believe in supplying free suits to children, and, in supplying adults with suits at a cost not to exceed five cents.

President BALDWIN.— I believe that in small cities and under favorable conditions permitting the bathing of children, and even adults, at certain hours without bathing clothes, adds extensively to the interest that is taken in the amusement, and perhaps even to its benefits. For bathing clothes that are used again and again, by everybody, soon become themselves anything but agents of cleanliness. I remember, in London, of seeing children bathing without suits in the early hour of the morning in Hyde Park, sheltered by trees. In the city where I live myself, in New Haven, I have the honor to be one of the park commissioners; and we have adopted rules by which we permit all men and

boys to bathe without bathing clothes at bathing stages, and we have also made the park in the poorer portion of the city — the manufacturing portion, which is patronized largely by working men and boys — subject to the same provisions. We have also in one of our suburban parks, about four or five miles from the centre of the city, provided two bathing stations and sheds where bathing is permitted without bathing clothes, at one of them throughout the entire day, it being in a very sheltered spot, and at the other, adjoining the public drive, we permit swimming all hours except between two and seven. We also have at that park a sea-bathing place for women, where bathing clothes are furnished at a charge. And I assure you that the men and boys from the town, the poorer men and boys particularly, have enjoyed extensively the facilities thus offered at New Haven, both in the city and suburban part. They have come there on their bicycles, they have walked out, and in every way showed their appreciation of the privileges given by the commissioners.

Mayor QUINCY. — I would like to say a word about one subject that has some relation to the general topics we have been considering. The city of Boston has started within the year an experiment, the establishment of a camp, under the auspices and direction of the city and paid for by the city, for boys between the ages of ten and fifteen who otherwise could not get any outing or vacation. We have had in that camp, which is on an island in the harbor, in a suitable position owned by the city, for about eight weeks, one hundred boys. And I want to take this opportunity to express to this audience, interested in subjects of this nature, my belief in the value of work of this character where local conditions make it possible, and to say that I believe that next year we shall enlarge this camp to a capacity of five hundred at a time to run ten weeks. And here, again, I put the justification of this expenditure upon educational grounds; namely, that by getting together this body of boys we can give them a kind of instruction different from the sort of instruction they receive from school-books and the school-room, which will be none the less of value to them. That camp is maintained at an expense to us of $2 per boy per week. We ran the steamer that takes them down to the island. Transportation costs nothing. And, as we own the land and pay nothing for rent, with $10,000 we could pick out five thousand boys in Boston who most need that sort of outing, that sort of training, and give them the benefit of this invigorating life for a week in the open air, with opportunities to bathe, boat, and exercise and the various sorts of instruction which goes with it. We induced a number of gentlemen to go down and deliver informal talks and relate their own experiences to the boys. Sea captains gave accounts of their voyages.

We can give to those boys a kind of instruction which will be absolutely different from what they get in the winter, which will be of value from an educational standpoint. We all of us know how much value there is in some sort of a trip, some sort of a journey in the summer time away from home; and we can justify this expenditure upon the basis of the actual training and educational aid we can give the boys in camp. I thought it would be interesting for you to know that this departure had been started in the city of Boston, and what it cost us to carry it on. It seems to me that there can be no better kind of social work than that of providing for those who cannot get an outing in any other way; and, owning the island and the facilities for transportation, it occurred to us that it would be a good idea to use them, and we have used them, and are satisfied with the results.

4. THE PROPOSED ANGLO-AMERICAN ALLIANCE.

BY CHARLES A. GARDINER, A.M., PH.D., OF THE NEW YORK BAR.

[Read Wednesday morning, August 31.]

The history of the ancient world is a history of dying nations. One by one they were swept from existence and disappeared with their condemned civilizations. It is with a species of horror, says Hugo, that "we behold in the background of centuries those immense vessels, Babylon, Nineveh, Tarsus, Thebes, and Rome, sunk by the terrific blasts that blow from the mouths of darkness." Mediæval and modern States have lived longer, yet for two thousand years death has claimed its victims with ever-increasing fatality. Tribal and state entities are fewer to-day than ever before; and conquest, absorption, and death menace the survivors. Intense concentration characterizes modern life. Steam and electricity have eliminated space and time until the world is now not one-tenth as large as in 1800; private rights are aggregated into corporations and trusts; and strong nations reflecting the spirit of the age grow larger and stronger until the nation and the race become identical, while weak States grow weaker and die or are absorbed by the strong world powers.

In continental Europe and Asia, Russia is the only virile, invincible, and increasingly dominant power, and its domains are practically coincident with the Slavic race. In the Western Hemisphere the United States is supreme, and in the rest of the world Great Britain,— two nations whose territories embrace the Anglo-Saxon race. These three nations and two races, in the ultimate analysis of human power, rule the world. Thousands of miles from their seats of government, on the other side of the globe, they have met, face to face, for the first time in history. For two hundred years Russia has struggled to reach the open sea, and to-day her flag floats over Port Arthur. England has been in the Orient for a century. America now holds the Philippines.

Shall it be America for Americans, segregation from the rest of the world, a policy of isolation, and internal development with-

out external expansion, or shall we keep the Philippines, and enter the lists with England and Russia for the trade and empire of the world? If the latter course, shall we encourage alliances or shun them; contract offensive and defensive treaties or avoid them? The answers to these questions are one, and are not found in recent events, but in social, economic, and political forces that have been silently at work for centuries. The history of three nations and two races is involved, and the issues are the most momentous before the world to-day.

The Russian Empire, spanning Europe and Asia, embraces one-half the combined area of both continents, is nearly two and one-half times as large as the United States, and is steadily expanding to the south and east along a wavering frontier line of ten thousand miles. Her policy of aggression is the most consistent and inexorable in the world. Once formed it is never changed, Eight hundred years ago Russia attacked Constantinople, and failed; in the Crimean War she would have annihilated Turkey had not France and England intervened; now with a part of Armenia in her possession, and Germany and France at her side. she hopes soon to defy Great Britain and absorb the rest of the Ottoman Empire. For a hundred years she has been acquiring portions of Persia, and her protectorate to-day is so autocratic over the remainder that the shah is virtually a Russian vassal. China, north and east of Pekin, she claims as her sphere of influence, and she is now disputing with England the sovereignty of the great central region south of the capital. When it is realized that Siberia borders the empire for five thousand miles, that Tartars and Moguls inhabit both sides of an imaginary boundary, that China is helpless, and that England, single-handed, has confessed her impotence, the probabilities are strong that Northern, Eastern, and a part of Central China may soon pass under the rule of St. Petersburg.

Such is Russia to-day, and as she hopes to be in the near future; a continuous, compact, unconquerable domain, with a teeming population of five hundred million people through whose veins will flow the invincible virility of Cossack, and Tartar and Slavic blood; a nation that eliminates her conquests from the trade of the world and monopolizes the commerce of her subjects as well as their territory; a nation that has Russianized every people it has conquered, until the nation and race are identical, and that race the one on the whole globe most inimical to every element of

Anglo-American civilization; differing from us in language, literature, religion, and government, and vigorously antagonistic to all our conceptions of human rights and human duties. This great power is opposed to an Anglo-American alliance, and to protect her interests, has hastened to Washington her ablest and most subtle diplomat.

Great Britain, staggering under the repeated diplomatic victories of Russia and her allies, has explained through her Colonial Secretary that, when the Chinese-Japanese war revealed China not only as a dying nation, but even then as almost dead, she sought to induce Russia to abandon political predominance and military occupation of the empire, and failed. War was the alternative, but England deprecated war because, as Mr. Chamberlain said: "History shows us that unless we are allied to some great military power, as we were in the Crimean War, we cannot seriously oppose Russia." And he admitted: "It is impossible to overrate the gravity of the issue.... If the policy of isolation, which has hitherto been the policy of this country, is to be maintained in the future, then the fate of the Chinese Empire may be, probably will be, hereafter, decided without reference to our wishes and in defiance of our interests."

Just as this peril seems to be culminating, the portentous figure of the American Republic, armed, alert, victorious, rises slowly in the Philippines. Shall America keep the islands? This question has become fundamental to the consideration of an alliance. Without the Philippines, the prejudices and environment of the past might control discussion; but with them, an alliance becomes the most important problem of our New World relations.

It has taken us nearly a century to push our domain across the Alleghanies, through the plains of the Mississippi, over the Rocky Mountains, and along four thousand miles of the Pacific coast. The original thirteen states were a mere fringe along the Atlantic. We started on our westward expansion by bringing in immediately thet Great North-west Territory; in 1803 we purchased Louisiana, whose area was 1,171,931 square miles; in 1819 we added Florida, and 59,268 square miles more; in 1845 we annexed Texas with a territory of 376,133 square miles; three years later came the Mexican Cession, which added 545,783 square miles; then the Gadsden Purchase in 1853 of 45,535 square miles, and, finally, the Alaska Purchase in 1867 of 577,390 square miles more. Thus by conquest, annexation and purchase, within a hundred years, we have

expanded our territory westward over 3,250,000 square miles. We are now engaged in pushing our coast line 2,000 miles farther out, to Hawaii. We own the Aleutian Islands, almost at the gates of Japan. In Samoa we have naval and coaling rights. An island in the Ladrones will soon be ours. Why turn back from the Philippines?

It is objected that the islands are extra-territorial and non-contiguous; but Porto Rico is 1,000 miles from Florida; Hawaii is 2,000 miles from San Francisco; the nearest point to Alaska is 500, and its farthest point 1,600 miles, from Seattle; and the Aleutian Islands extend not only 2,400 miles from our borders, but into the geographical system of another continent.

It is objected that military government may have to be maintained for years, contrary to the spirit of our institutions; but military government existed in the Carolinas, Florida, Alabama and Arkansas, from 1865 to 1868; in Mississippi and Georgia from 1865 to 1869; in Virginia and Texas from 1865 to 1870; and in Alaska from 1867 to 1884.

It is objected that colonial or territorial government may continue indefinitely, while statehood is contemplated in the Constitution; but the right of admission to statehood is permissive only, and not a constitutional obligation. Moreover, the Constitution does not prohibit the acquisition and maintenance of colonies, and the Supreme Court has decided that Congress may acquire colonies and govern them as it chooses. Even if the islands should be organized into a Territory, the temporary or permanent character of the government would rest entirely in the discretion of Congress. Alaska has been a Territory for thirty-one years, and Arizona and New Mexico for fifty-two. It was fifty-nine years before Wisconsin, and eighty-three years before Montana, became States.

It is objected that the inhabitants are alien races, habituated to other institutions and forms of government; but Florida, when acquired, was peopled by Indians and Spaniards; Louisiana by Spaniards, French, and negroes; alien races and institutions existed in California, Colorado, New Mexica, and Arizona; and Alaska had Indians on the Yukon and Russians in Sitka.

It is objected that we will abrogate the Monroe Doctrine; but that doctrine, freed from its academic cobwebs, is the non-intervention of European powers in matters relating to the American continent. Its converse is non-intervention of America in matters

relating to the European continent. That has nothing to do with American intervention in Asia, nor with legitimate expansion of our territory in the Orient. If we are abrogating the doctrine, it must be because the Orient is exclusively for Orientals, and not for English, and Russians, and Germans, and French, and Hollanders, who are all there now, and fast appropriating the Orient to themselves. The Monroe Doctrine has no practical, nor even academic, application.

Finally, it is objected that we will be involved in entangling alliances and depart from the precepts of the Farewell Address; but Spain provoked continuous trouble at our very doors for a hundred years; Mexico and Central and South America have had revolutions without number; Great Britain bounds our territory for thousands of miles; and yet for a century we have avoided entangling alliances, although both propinquity and provocation existed.

The situation is one of sharp alternatives. Either we must abandon the Philippines, retire to our own continent, curtail our products, content ourselves with local commerce and local politics, and prepare to protect our Pacific shores against the very powers we would face in the Orient; or we must push our coast line to the farthest west, keep the islands, and assume the responsibilities and improve the opportunities of their possession. Had Spain been victorious at Manila, she would have swept our coast from San Diego to the Yukon; and if we now withdraw from the East and abandon our conquests, any overpowering fleet may hereafter ruin our commerce and devastate our Pacific shores with little opposition. If we turn back, it will be such a retreat as England might make before Russia in China, or before Russia and France in Egypt, or before France and Germany in Central Africa. It will be the first halt in our national progress; the first staggering and wavering and looking back in our national life. When growth stops, decay begins. If we turn back, we may find Lord Salisbury's danger signals pointing to the mausoleum of nations!

But backward will not be our course. It will still be outward, and westward, on the great ocean. There all the nations are concentrating their energies. England pushed through the Canadian Railway to foster her Pacific trade. Russia is building her trans-Siberian road for the same purpose. Germany and France want ports and trading areas. Of all the nations struggling for the trade of the Pacific, ours is the only one naturally entitled to it. London

and Paris and Berlin and St. Petersburg are on the other side of the globe; but we have a Pacific coast line of four thousand miles. The Philippines mean our ultimate supremacy in the Pacific. They are the easternmost boundary of the markets of the East. On one side they face China; on the other they look across to our own shores. Stretching one thousand miles from north to south and six hundred from east to west they form a natural barrier between the East and the Pacific, nature's stronghold for sustenance or defence, where the greatest commercial developments of the future are to take place. Through these islands, American merchantmen will pass to the trade of Asia; and along the same waterways our forts and men-of-war will effectually protect the Pacific against hostile fleets.

Scattered over six hundred thousand square miles of the ocean's surface, the whole vast area will serve as an outpost from which to protect and develop the interests of America.

Facing the Pacific and Indian Oceans is more than half the population of the globe. Excluding North America, the foreign commerce of these peoples already amounts to $2,500,000,000 a year. History shows that whatever nations controls this commerce controls the trade of the world. The stake at issue is stupendous. Nothing less than an entire and undivided control of the Philippines would give us a base adequate for our needs. Manila Bay or even Luzon for a naval and coaling station would be too perilous and costly a possession, with all the other islands partitioned and garrisoned by European powers. Let England's experience with India and China be a warning. India conquered and governed, has been a mine of wealth. China, exploited through trading posts, is a burden and a constant peril. We want the Philippines, not Manila, just as England to-day needs Central China, and not simply Hong Kong. We own the Philippines by right of conquest, no other nation does; we are in possession, no other nation is; we can maintain stable government, Spain cannot, and the natives are incapable of self-rule. I can conceive no reason to give away, or sell, or lease, or abandon a single foot of the territory. It would be to lessen in that proportion the greatest opportunity Providence ever placed before the nation. With the Philippines, Ladrones, Samoa, and Hawaii, our possessions will reach across the Pacific, and on all great trade and cruising routes an American ship will never be more than two thousand miles from an American port. The commerce of the Pacific will become the commerce of America in a larger degree than of any other nation; the Pacific itself will be

ours pre-eminently; our territory will bound it on two sides; our islands will dot its surface; and with the ocean and its trade in our possession, our political predominance will be assured among the nations of the world.

Such is the broad plane of international relations, upon which alone it is wise to discuss an Anglo-American Alliance.

A formal, articulated alliance, in the European acceptance of the term, and as represented by its Dreibunds and Kaiserbunds, is an artificial bond, arbitrary in character, and essentially military in purpose. It implies constraint, disregards national conscience, eliminates national judgment, and discourages individuality of national action. If defensive only, England would defend us, and we would defend England, against the world, irrespective of past relations, present friendships or future interests. If offensive and defensive, each would be a party to the quarrels of the other, without the exercise of discretion or judgment. Such an alliance would increase entanglements; international impartiality would be impossible; each nation would be fettered and hampered; discussions of compensations and advantages and equivalents would follow; and friction and irritation would finally degenerate into open hostility. I agree with John Morley that "hardly any more inexpressible calamity can befall mankind than that a community, as Lincoln nobly said, conceived in freedom and dedicated to the happiness of free and equal men, should entangle itself in the unrest and intrigue of militarism which are the torment and scourge of the Old World." It was against such alliances that Washington warned us, and his advice is sound to-day. We want none of them. We need no alliances offensive and defensive, nor permanent and comprehensive treaties.

More powerful, however, than formally articulated alliances and more enduring than written treaties is the bond of interest and sentiment that unites the two branches of the Anglo-Saxon race. Next to giving us the Philippines, the greatest blessing of our late war was to rediscover England and America to each other. The two peoples, now for the first time in a century, earnestly desire each other's friendship. Nor is this a sudden aspiration born of emergencies in the Spanish-American war, but the result, as we have seen, of economic, political and racial forces which have been silently at work for centuries. The great unwritten and natural laws, the laws higher than human institutions, are asserting their supremacy, and drawing the two peoples together with an impulse

that no human power can safely resist. These two peoples think the same thoughts, speak the same language, obey the same laws, and worship the same God; and over the victories of Santiago and Manila, irrespective of Parliament and Congress, they have acknowledged and proclaimed an alliance based upon the unwritten mandates of the nations and supported by the higher laws of the race. That alliance is identity of blood and interest and sentiment. That alliance is no theory. It is an actuality. It is fast assuming form and compelling recognition, and woe betide any man or party that disregards that fact and gets in front of an inexorable racial movement backed by one hundred and twenty-five million enlightened sovereigns!

Lurking behind Europe's ill-concealed hostility toward America, is dread of the commercial expansion of the United States and recognition of the common commercial interests of the two Anglo-Saxon nations. America contains to-day seventy-five millions of the most ingenious, intelligent and active producers in the world. Our resources for production are greater and more varied than almost all other nations combined. Production is far exceeding consumption. The result is that we must find additional markets or curtail our products. Hence our intense and increasing interest in the world's commerce, to which we gave scarcely a thought when the country was young. And wherever we go, in whatever direction we expand our trade, there we find Great Britain already established, maintaining open markets, forcing wide the doors of commerce, and developing trade interests identical with our own.

The area of England and her colonies is 16,662,073 square miles, more than four and a half times the size of the United States; and the population is 361,825,000. These possessions, too, are constantly increasing. In the past twelve years England acquired 2,600,000 square miles, more than twenty times the combined area of the Philippines, Porto Rico, and Hawaii; and all this territory is open to America on practically the same terms as to Great Britain.

Our exports to England, Ireland, and Scotland in 1867 were $225,090,224; in 1877, $345,961,055; in 1887, $366,310,679; and in the fiscal year ending June 30, 1898, $540,860,152; an increase in 31 years of 140 per cent.; in 21 years of 56 per cent.; and in 11 years of 48 per cent.

Into remote British possessions and markets we are pushing our commerce and discovering untold possibilities. Our exports to

British Africa in 1867 were $1,461,623; in 1877, $1,398, 261; in 1887, $1,471,909; and in 1897, $13,096,643; an increase in 30 years of 796 per cent., in 20 years of 836 per cent., and in 10 years of 789 per cent.

Our exports to British Australasia in 1867 were $5,126,490; in 1877, $5,885,467; in 1887, $9,668,435; and in 1897, $17,460,283; an increase in 30 years of 241 per cent., in 20 years of 196 per cent., and in 10 years of 80 per cent.

Our exports to the British East Indies have gradually increased from $398,920 in 1867, to $3,842,039 in 1897, an increase in 30 years of 860 per cent.

Even in China where England single-handed is opposing Russia, we pass through the doors she forces open and in her own sphere of influence compete with her own merchants for their local trade. Our commerce amounts to one-seventh of all China's foreign trade. Last year it was three times as great as in 1895, four times as great as in 1890; 50 per cent. greater than that of Germany and second only to that of England.

In fact, in Great Britain's own territory, as well as in the ports held open by her diplomacy and arms, we are her chief rival. Our trade ranks second to her own, often aggregates more than the combined continental imports, and, as we have seen, is rapidly increasing.

And what is the startling and incredible aggregate result of this alliance of trade interests? In the fiscal year ending June 30, 1897, our entire exports aggregated $1,050,993,556, and our exports to British dominions and spheres of influence were alone nearly 60 per cent. of that sum. During the same year our exports to Germany and all German colonies were 11.91 per cent., to France and all French colonies 5.74 per cent., and to Russia and all her dominions .77 of 1 per cent., of our export trade. In other words, our British exports were 5 times as great as our German, 10 times as great as our French, and 75 times as great as our Russian; 240 per cent. greater than our exports to Germany, France and Russia combined; and 50 per cent. more than our exports to all the rest of the world.

These facts need no comment. They establish the corollary, however, that if you curtail British territory or British influence, you necessarily curtail American commerce. Turn England out of China, and American commerce will go too. If France and Russia should drive her from the Nile, American trade would

immediately disappear. In proportion as Germany and France appropriate the Dark Continent, British and American commerce suffers.

Our trade in the Orient is now $35,000,000 per year, and under normal conditions it will soon be $100,000,000. All along our Pacific coast this new trade impulse is felt. Our general increase of exports during the fiscal year ending June, 1898, was 17.3 per cent.; but, while our Atlantic ports increased 17.61 and our gulf ports 8.6 per cent., the increase of our Pacific ports was no less than 25.7 per cent.

All that trade is now seriously menaced by Russia and her allies in the East. In the present anxious position of affairs may we not greatly assist England? And incalculably benefit ourselves? What right have we to stand supinely by, and let Great Britain fight our trade battles? Is it just? Is it becoming in a great nation? What, if unaided, Great Britain should fail? When the trade interests of the two nations are identical, as in China, and those interests are imperilled, are not temporary trade alliances both justifiable and necessary?

Last November, Austria's minister of foreign affairs used this threatening language: "The peoples of Europe must fight shoulder to shoulder against the common danger, and must arm themselves for the struggle with all the means at their disposal." This "common danger" and "struggle" refer to the American invasion of continental markets. If joint action should follow Austria's advice, would not a well-defined trade alliance between England and America, against Europe banded for the destruction of the commerce and industries of both, be justified on every ground of self-interest and self-preservation? And if the united diplomacy of Great Britain and America should not avail, with Russia and Germany and France, to abolish prohibitive discriminations in Chinese ports, why should not a trade alliance establish discriminations against the commerce of those nations in British and American ports?

We have a valuable export trade with Germany and France; but so have they with us. Besides, every European nation except Russia, is largely dependent upon our food products. Statistics show that the slightest disturbance in our cereal exports precipitates bread riots in more than one European city. Europe is affected by any emergency that isolates her from our wheat-fields; particularly helpless would she be if cut off from the territory

dominated by Anglo-American influence. Even Russia is often forced to become an importer of grain. England, Ireland, and Scotland grow wheat enough to feed themselves for only fourteen weeks. We furnish nearly all the balance. Usually, the supply in the United Kingdom, at any one time, will not last two months, and often not one. So serious is England's situation that the Yerburgh Committee recently advised as a war measure the permanent storage of 32,000,000 bushels of wheat.

Every nation in Europe is to-day more dependent on America than on any other single nation. Hence, if we make necessary trade alliances with England to protect our European, Asiatic, and African commerce, we can defy the rest of the world to do its worst; and it can do nothing.

Another utilitarian basis for alliance is the maintenance of peace. Great Britain alone averted the active interference of Europe in our late war. She refused to join the European concert, and her suggestion of an Anglo-American alliance sobered every European power. Hence, while menaces of America have moderated in the European press, even superficial observers understand that the attitude of the European Powers is now best described, not as anti-American, nor even Anti-British, but as broadly hostile to the Anglo-Saxon race. They all dread concerted Anglo-American action. And England knows and America knows that all the nations together could never stand against it. Europe will invite no open breach with two gigantic world powers, conscious of their innate strength and elated by the recent victories of American arms backed by the moral support of England.

But peace fosters trade, and trade demands peace. In short, the Empire is peace, it means peace, it needs peace; and the same is true of the Republic. The interests of the two peoples in trade and peace are common and supreme. A mere determination for peace will impress it effectually wherever the power of the race extends, and such a guarantee of peace will go a long way to make war impossible and settle the affairs of the two nations in conformity with the principles of natural justice.

An alliance between England and America to adjust their controversies by means of enlightened arbitration has already been introduced into practical politics. The time is opportune for its reintroduction. If the friendly sentiments at Westminster and Washington should be promptly utilized to enact a treaty of arbitration, such an alliance would be justified on every ground

of common and reciprocal interests, would have the moral and political support of both nations, would establish a most beneficent precedent for the international adjustment of the affairs of mankind, and would do more than any other single act to make possible the disarmament of nations and the maintenance of universal peace.

If war should give way to arbitration, and under a peaceful primacy one race should dominate, can we doubt for an instant that, irrespective of common interests, common national sentiments would compel united action, and make the Saxon supreme? It is not conceivable that England or America would contemplate with equanimity Slavic domination of the world; a Russian world-language instead of our own tongue; the despotism of the czar instead of personal liberty, cherished by our race even before Magna Charta.

The grandest thought of the century is this convergence of the Anglo-Saxon race. What more ennobling conception can engage the attention of any association of scholars and thinkers? As citizens and individuals, our duties ally us with this beneficent movement. Let us promote a unity already begun; let us encourage the common interests and sentiments of the nations; let us, so far as in us lies, consummate in our day that alliance of kin predicted by the wise and good of three generations, as the "noblest, most beneficial, most peaceful primacy ever presented to the heart and understanding of man."

The Anglo-Saxon race occupies all the lands "fair to look upon" in Asia and Africa and America and the Isles of the Sea. It is one hundred and twenty-five millions strong. It rules three hundred and ten millions more. Within all its borders, human intelligence has the freest exercise, public conscience is the most powerful, law is the most respected, crime meets the swiftest punishment, and the energies of the race are combined in evolving the highest good of mankind; and England and America, its two branches, isolated from the rest of the world and that isolation increasing, but no longer isolated from each other, will hereafter in all divisions of the world's affairs be found together, fostering common interests, cherishing common sentiments, and pursuing common action, for their common good.

Hon. St. Clair McKelway.— Mr. Chairman and friends, I have nothing to suggest about the proposed Anglo-American alliance. I did not hear one word of Mr. Gardiner's paper, but I read every word of it before it was delivered.

Now as to this proposed Anglo-American alliance. Let us take the words as they are. Proposed by whom? Not one word upon the subject has proceeded from the Court of St. James, not one word upon the subject has proceeded from the administration at Washington. Yet it has been styled proposed. It was first with reference to matters which are now in the general thought proposed by Mr. Chamberlain. He made an unauthorized speech in Birmingham about the time when matters looked dark for his policy at home and for the representative of his policy, Mr. Cecil Rhodes, in South Africa, and to the effect that England had never been successful in a European war without a military alliance; to the effect that, unless such an alliance with some effective continental power could be formed, English policy toward Eastern events would have to be a policy of interested observance or calculated non-interference, and perhaps an involuntary acquiescence. When that speech was delivered, public opinion was divided upon whether a new policy had been proposed from the centre of the Salisbury cabinet or whether an adventurous minister, not destitute of the desire to force himself to the front, had spoken unadvisedly.

The Liberal press in Great Britain insisted that Mr. Chamberlain spoke for the government. The Conservative press insisted that he spoke for himself with an undissembled desire that he himself would like to be the government. Lord Salisbury at a banquet in London made, as it were, an aside remark to the effect that one prematurely over-zealous friend could do more harm either to a political policy or to a theological system than any number of candid opponents. Nevertheless, the word "alliance" was brought to the foreground Then came the incident in the world's affairs, the epoch-making event in our own affairs, of the war between these United States and Spain. It is now unofficially known — and I have no doubt that before long it will be officially known — that overtures looking to a concert of European powers against the United States were made or were mooted; that the first overture made or mooted was to the effect that hostilities should be prevented; that the second was to the effect that they should be arrested; and in that second was merged the intention of the third, that, if hostilities could not be prevented and if they could not be arrested, that in consequence of them and in the settlement of those consequences, a partition or distribution of results among unconcerned but not uncovetous peoples should follow, if necessary, by the act of force. Well, the making of a bargain or of an overture requires more than one. The submission informally of these overtures to Great Britain encountered the reply that that nation would be no party to the prevention of hostilities unless asked for by the United States as well as Spain; and that under no circumstances would the government be a party to the arrest of hostilities except at the request of Spain, and then in the kindest way, by the tender or suggestion of good offices to the United States; and that, in the intended event of any claim to appropriate or to govern the distribution of the results of the war, the action of England, in the event of any action of any European power in the interest of Spain, would comprise the offer of the use of her fleet and army to the government of the United States.

Now this has come about from a state of mind: it has not come about from an alliance. This has come about from a unity of interests. It has also come about, in part, from a unity of traditions and from that identity of language and lineage and literature about which so much has been so often eloquently said, that even the pretext, let alone the text, for saying more at this time is

happily removed. I do not believe that an alliance between the United States and Great Britain for offensive or defensive purposes is possible. I do believe that an understanding of common action and common purpose within our unity of interests and oneness of tradition is possible. I do believe that this possibly has come through the widening and the enlarging and the illuminating influences of the struggle through which we have just passed; and I do believe that the bonds of common interest between the two countries in the markets and in the management of the world will be settled as the points in difference between the two countries have heretofore been settled, and that the method will be, not by the projection of a hard and fast alliance, but by the breath of sentient qualities, the intelligent and morally mandatory exchange of views and of purposes between the representatives of the governments, and by the knowledge of the magnitude and the meaning and the significance of that understanding on the part of the other governments of the earth.

Part of Mr. Gardiner's paper made reference to arbitration. I think that the treaty which was proposed to the Senate of the United States for the formation of a board of arbitrators and for the establishment of a system of arbitration had a very instructive and significant experience in the Senate, in the press, and in public opinion generally. Though a vote of two-thirds was required to ratify that treaty, and a vote of two-thirds to ratify that treaty was not secured, yet a vote in favor of its ratification by considerably more than a merely numerical majority of the Senate was secured. That vote represented friendliness to the principle of arbitration. The failure to command a two-thirds vote in the Senate represented the sincere conviction on the part of various members of that body that the terms of that treaty, whether as originally framed or whether as subsequently altered under the action of the Senate, were either not favorable enough to our own interests or were likely to work, in the outcome of their application to any specific condition, confusion, misunderstanding, and difficulties that could not then be foreseen, but the possibility of which should be carefully taken into account.

I think those of us who would have arbitration because it is a grand and a good thing were unjust to those who were against that treaty, because, as a specific thing, it might not have been for our interest to ratify it. I think that the friends of arbitration as an economic principle were unjust to the opponents of the treaty *per se*, and that the very large majority, much larger, as I stated, than a mere numerical majority of the Senate, cast for the principle of arbitration in the form of the treaty itself, gives to us an encouragement that we have no cause to surrender. The encouragement is this: that, whether we have or have not a method of arbitration, we will always have the spirit of arbitration at the outset of every difference between us and all other countries, and that on each specific occasion of difference that arises between the countries we will have an extemporized tribunal of our own citizens and their citizens for the specific consideration of the specific case, the view of which will always make toward peace, and the result of which will be the estimate of the idea of war between the countries as an impossible proposition. I believe in arbitration as a principle, and I believe in mediation in all instances. I think the questions of trade, the questions of finance, the question of interchange of visits, the incidents of the settlement now going on at Quebec,— all these incidents are making for peace and good will between the two nations, just as a spirit of amity

makes for peace and good will between two neighbors, without the intervention of a third tribunal to arbitrate differences between them, with possibly the result of making lawyers manufacture differences in order to give their tribunal a chance to work.

I wish, in illustration of the proposition that we can trust to a state of mind better than to a hard-and-fast alliance or to a hard-and-fast system of permanent arbitration, to state one or two facts which may not be known to all of you here, which certainly have not been published, but for the authenticity of which I can positively vouch. The facts are apropos of our late war. When the United States minister to Spain, an honored citizen of my own city, went to that country, he found that the court was absent from the national capital, and was at the seashore on the north. He found that the precedent for the presentation of any minister to the court while it was absent from the capital did not exist, and that time was needed for that presentation at the seashore, precedent to the contrary notwithstanding. He also found that, until he had been presented and received as minister by her Majesty, the Queen, that it was not within his power to make calls upon his fellow-ministers from other countries or for them to make calls upon him. He thus was in a condition of rather enforced isolation in an unfriendly environment. It occurred to General Woodford to present to the British ambassador a letter of introduction which he had. Hon. Oscar S. Straus had given to the general an informal letter of introduction to Sir Drummond Wolff, ambassador of Great Britain to the court of Spain. When Mr. Straus and Sir Drummond Wolff had been ministers of their respective countries at Constantinople, a friendship had sprung up between them, which was warm and long-continued. When Gen. Woodford sent Mr. Straus's letter of introduction to Sir Drummond Wolff, that official wasted no time on formality, and took, as between himself and General Woodford, no cognizance of official barriers. He instantly paid a friendly call, friendly in the fullest sense, formal in no sense whatever, upon the American ambassador. In the course of their conversation the American minister developed to Sir Drummond Wolff the case of the United States in the grievance against Spain. That case had been most carefully and minutely formulated and sustained by all possible authorities. The disclosure of it to the representative even of a friendly power, in addition to its disclosure to the government for whose consideration it was primarily designed, was novel, was hazardous, but under the circumstances and with reference to the result proved to be admirable. The British minister requested a copy to be made of the case of the United States, which was furnished to him for his personal inspection. He made a copy of his copy, and sent it to Lord Salisbury.

When Spain, France, and Germany made overtures to England with regard to a possible concerted action, if not in the spirit, at least with the effect, of unfriendliness to the United States, those who made that overture received the statement that the case of the United States as against Spain was within the knowledge of the government of England, and was by England made the case of England against Spain and the case of England and the United States against the world. Our good-hearted but not wholly technical minister, in the fulness of his candor, acknowledged that he had given to the British minister at Madrid this copy of the American case. He was very sharply reprimanded by the acting Secretary of State in the month of December, 1897. About the middle

of February, shortly after the destruction of the "Maine," the ambassador of England to the government of the United States made such representations to the President of the United States of the favorable effect of the reasoning and of the facts in that case upon his government at home and upon the intention of that government at home, that the President of the United States penned a personal recantation of the censure and a personal apology, and a strong personal commendation of the spontaneous action of our ambassador at Madrid.

I take this instance to be a confirmation of my argument for a state of mind, and nothing else, between the two countries, and, with that state of mind, for a belief in the intelligence and virtue of the people of both, and for a belief in the benign ordering of their impulses by that Being in whose hands are the forces of nations as well as of men.

[The Chairman of the Finance Department, Professor J. W. Jenks, of Cornell University, briefly introduced Secretary Vanderlip in the following words:—

Difficult as questions of finance always are in times of peace, the practical question of raising revenue becomes much more complicated in time of war, when we have to provide more revenue, and to secure it promptly by new means. It would therefore seem proper and fitting at this particular time to have an address on war financiering, in order that we may see what the nature of this new problem is, what methods are adopted by this government, and what, in the opinion of an expert, are the best methods for meeting the difficult conditions of war-time. We have been fortunate enough to be able to secure for this evening the presence of Mr. Vanderlip, Assistant Secretary of the Treasury, who has consented to speak to us on war financiering, and to explain some of the methods that have been employed during the present war.]

5. WAR FINANCIERING.

BY HON. FRANK A. VANDERLIP, ASSISTANT SECRETARY UNITED STATES TREASURY.

[Read Wednesday evening, August 31.]

Gold and gunpowder are equal requisites in modern warfare. The courage which forgot all rules of military practice, and by its sheer moral force irresistibly accomplished the impossible at San Juan and El Caney, has added wonderfully illuminated pages to our history. The straight aim and steady nerve of "the men behind the guns," which brought back to us from a series of unprecedented victories a navy unscathed, has made the world join us in admiration. It has been as fine an exhibition of moral fibre and personal courage — this record of our men — as history has to offer; but it was not those qualities alone which took the heart and spirit out of the Spanish army — made up of brave men, too — and won the victory for us so quickly. Santiago did not surrender alone to the intrepid army that besieged her. The city surrendered, not only to the moral, but the physical force that army represented,— to the strength, the wealth, the farms and the factories, the national resources which every Spanish soldier knew lay behind the ships and the troops he could see. A rich treasury and a potential ability to add almost without limit to its riches, the resources that backed the determination of the nation, must have played a great part in robbing men and commanders of courage and hope, and must have been important elements contributing to the downfall of Spanish power and bringing Spain to sue for peace.

To trace the financial problem which the war forced upon the country, to follow the means devised by Congress which were brought into play, to record the triumph of war financiering,— as complete in its way as the victories of the navy and the army,— is, therefore, an essential and important chapter of war history. Columns of figures and marshalled statistics are at best dull and wearying. When compared with stories of bravery, with pictures of victories, with details of history-making action, they are tame, indeed. But there is still — if we will remember what they typified — back of them an inspiration which gives dignity to plain facts of dollars and taxes and bonds.

War expenditures jumped in a moment from nothing at all to a million and a quarter a day, and the resources had to be instantly provided. Not alone were the sudden requirements of an expensive naval and military campaign met, the fleet doubled in numbers, fortifications strengthened, armament purchased, empty war-chests filled with ammunition, and an army of two hundred thousand men equipped and transported to the field. Provision had to be made for more than that. It was an indefinite problem the Treasury had to face. Expenses were ambuscaded as effectually as was the enemy when the Rough Riders charged at Guasimas. At the breaking out of hostilities from no quarter could a clean-cut, intelligent estimate be had of the probable expenses of the war. That those expenses were to be heavy and instantly pressing was as evident as was the danger from the first volley of the ambushed foe, but their extent lay somewhere between very wide and very wild guesses. The problem was new. It had to be worked from the first elementary step. Only the men who toiled with tireless energy to accomplish what was done know how ill prepared for war we were. A critical public has too little appreciated the remarkable work accomplished, and dwelt with little sympathy on some of the difficulties that were not fully overcome.

It all required money,— vast sums of money; and the fact that the resources were instantly ready for the first drain, and means were rapidly and intelligently provided to meet all possible future drafts, and that this ample credit was marshalled without bearing as a serious burden upon any citizen or any business interest, and without, up to the present time, producing a flurry of the mildest sort in the great money markets of the country, is a victory won by the Secretary of the Treasury in the field of war financiering

as distinct and remarkable as have been the naval and military achievements in this wonderful campaign.

I shall spare you any attempt at a discussion, from an economical point of view, of the abstract question of war financiering, and leave that for those of you whose lives have been devoted to the philosophy of wealth. I shall merely attempt to recount the simple facts of this extraordinary emergency which was forced upon the Treasury, and the manner in which it was met. I wish to stand more in the attitude of a member of a corporation reciting to the stockholders the facts of an extraordinary situation, and I shall leave for the gentlemen who are to follow all philosophic discussion of the subject.

In order to have an intelligent view of the situation in which the Treasury found itself when war was declared, it is necessary to furnish a background, a review of the Treasury finance for a few preceding months. The first eight months of the fiscal year 1897 had, like the preceding months, through an administration, piled up steadily a deficit, and reached in that time nearly $50,000,000. All this was in addition to considerable deficiencies in immediately preceding years,— deficiencies which had been met by the sale of two hundred and sixty-two millions of bonds during the preceding administration. It was evident that legislation which would produce a greater revenue was necessary, if expenditures were to be kept at anything like the point they had been averaging; and so, with the incoming Republican administration, work was started on a new tariff bill. As that work progressed, imports enormously increased, in order that the importers might avoid the increasing tariff rates that were in prospect; and, as a result, the deficiency of nearly $50,000,000 was fairly cut down by the end of the fiscal year, and the final figures showed a deficit of but $18,000,000. The reduction of that deficit, however, meant anticipated importations to an enormous amount, so that the Treasury outlook, even under the new tariff measure sharply increasing customs dues, was not immediately satisfactory. The new tariff bill was passed in July, and its operations were watched with much anxiety. Month succeeded month, each showing a deficit under the new law; and, in some quarters, there was apprehension that the law, as framed, would not provide sufficient revenue.

One element could not be accurately measured, and that was the heavy importations made prior to the enactment of the law. From March 1 to July 24, the day the act was approved, eight

hundred million pounds of sugar were imported in excess of the sugar imports during the same period of the previous year. The stock thus brought into the country was sufficient to last several months; and, in fact, it was not until the sugar season opened this spring that importations at all approached the normal. When it is remembered that sugar was expected to add to the revenue about $60,000,000 a year, it will be recognized that the extraordinary importations had a considerable influence upon the monthly deficits. It was the same with wool, the second revenue producer of the customs tariff. Importers rushed their orders, so that between March 1 and July 24 a quarter of a billion pounds were imported. At the same period of the previous year fifty-two million pounds were imported, which fairly indicates that the wool imports of the spring of 1897 were two hundred million pounds above the normal. Even at this date, when the tariff act is more than a year old, some of this wool is still in stock; and the $30,000,000 expected from wool annually has not materialized. While sugar and wool were the two great items affected, the same conditions existed as to all other articles on which increase of customs taxes were expected. The result was, at the end of the first quarter, there was a deficit for the new year of nearly $30,000,000; and the Treasury was running behind more than $300,000 a day. By the end of the second quarter, or at the beginning of the calendar year 1898, there was a deficit of $44,000,000. The new year began, however, with a full tide of business. We had had a marvelous harvest and a correspondingly fortunate foreign market. International exchange was running strongly in our favor. The industries were expanding, business began to manifest a wholesale revival; and a condition of general prosperity set in as a happy aftermath of the four long years of stagnation and depression which succeeded the panic of 1893. The customs revenues improved, and on the first day of the new calendar year the department was able to report a surplus for the preceding month. That surplus amounted, it is true, to only $1,714,000; but the fact that it was a surplus held forth a hope that in due time the distressing deficiencies which had embarassed the Treasury for several years would end.

In January there was a deficit of $7,900,000, due largely to the heavy interest payments at the beginning of the year. But the short month of February again showed a surplus amounting to almost $2,000,000, and there was satisfaction.

With affairs in this situation, with the Treasury just beginning, after many months of deficits, to see a prospect of continued, if moderate, surpluses in future monthly statements, there came the incident that shocked the world. With the sinking of the "Maine" sank all hope of a Treasury surplus. War was in the air, and the National Treasury was quick to feel it. The War and Navy Departments began drawing heavily on their regular appropriations, even in advance of any war legislation, and in advance of our formal demands and the declaration of war. Expenditures increased at such a rate that, notwithstanding the resumption of normal sugar imports in March, there was certain to be a recurrence of the monthly deficiency.

The Treasury Department has been at some pains to ascertain the probable revenue under the Dingley tariff act, had there been no war. An authoritative statement shows receipts for the fiscal year ending last June, excluding certain Pacific railroad transactions, were $340,000,000, and expenditures $438,000,000, leaving a deficit of $98,000,000.

Of course, the war has had much to do with so large a deficit. A conservative estimate of war expenditures for the last four months of the fiscal year is $56,000,000. Taking this from the deficiency for the year, the deficit would be $42,249,103. That would have been the maximum of a deficit on a peace basis. When, at the close of February, the first month's surplus was shown, there was a deficit for the seven months' period of $51,901,823. Take from this $42,249,103, and it is seen that the deficit has been reduced $9,652,719 during the last five months of the fiscal year. This appears to justify the statement that during the last five months of the year our receipts exceeded our expenditures on a peace basis over nine and one-half millions, or, as otherwise expressed, the tariff law of 1897 produced during the last five months of the fiscal year a revenue which exceeded our ordinary expenditures by over nine millions of dollars. There is reason, then, for believing that the tariff act of 1897 would, if the country had not entered into war, have continued to provide sufficient revenue for the needs of the government.

So far as the outflow from the Treasury is concerned, we practically went upon a war basis with the sinking of the "Maine." This was emphatically true when, on March 9, Congress, by an almost unanimous vote, and without debate, placed at the President's disposal for the national defence, and wholly unencum-

bered by legislative restrictions, $50,000,000. The Treasury held on that day an available cash balance of $224,541,000, and was particularly strong in gold, the free holding of that metal reaching nearly $169,000,000.

In no year since 1890 has the Treasury been so strong in gold as during the period from July 1, 1897, to June 30, 1898. During that time $115,173,988 in gold bullion and coin was brought from abroad. Much of this found its way into the National Treasury in payment of customs dues. Sharp changes had taken place during the year in the kind of money taken in at the New York Custom House, which is representative in payments of customs taxes. From the beginning of 1894 to October, 1897, a period of forty-five months, there was scarcely any month in which such payments in gold exceeded 1 per cent. of the total. Beginning with last October, however, the Treasury holding of gold was increased monthly by gold payments on account of customs taxes. During the month of May, when we were in the midst of war, not less than 73½ per cent. of the total payments on account of customs taxes at the New York Custom House were made in gold; and the gold in the Treasury continues to be rapidly added to daily by such payments. In fact, within a few days it may be expected that the net gold-holding in the Treasury will reach the high-water mark. It now stands well above $200,000,000; and, when it passes $218,000,000, it will establish a new record, at which figure it was reported in 1888.

Immediately after the declaration of war, Congress set to work energetically to frame a war revenue measure, and, in framing it, showed the greatest patriotism and courage. Congress believed the war to be a popular one,— popular enough, so that heavy taxes would be borne in so just a cause; and a revenue bill was framed which was designed to bring into the Treasury something like $150,000,000 of additional income. It was extremely difficult to make any estimate of what the drain upon the Treasury would be. The extent and character of the war was a hazard. We feared grave possibilities from the Spanish fleet, and it was evident that we must not stint in appropriations. Coast defences were hastily strengthened, harbors mined, ships bought, and the markets of the world searched for munitions of war. Within a few weeks the greater part of the $50,000,000 appropriation was expended. An auxiliary fleet, numbering one hundred and one vessels and costing nearly eighteen million dollars, was added to

the navy. With the first call for one hundred and twenty-five thousand troops came the expenses of equipment, and deficiency appropriations were asked for. These followed one another with rapidity, until we had a total of appropriations on account of the war footing up $361,000,000.

It was probable from the first that, however courageous Congress was with the imposition of new taxes, there was still to be necessity for providing funds more rapidly than could be hoped for from taxation. A bond issue, it was generally agreed, would be necessary; and, in the war revenue measure, Congress provided for an issue of $400,000,000 3 per cent. 10–20 bonds and $100,000,000 of temporary certificates of indebtedness.

While this issue of bonds was under discussion, the financial world was not enthusiastically favorable. Some of the leading financiers believed that a mistake would be made if Congress forced the Treasury to attempt to float a short-term 3 per cent. bond. They justified their opinion by the fact that the long-term 5 per cents were selling as low as 117½, a quotation netting the investor about 3¼ per cent. They saw no reason why the public should be anxious to buy a short-term 3 per cent. bond, when a long-term bond could be had that would pay 3¼ per cent. The Secretary of the Treasury met some of the leading financiers of the country who held these rather unfriendly views. He answered their objections so completely that they became enthusiastic aids in making the floating of the loan a success. While it was a fact that the long-term bonds were at the moment selling on a basis that would pay more than 3 per cent. to the investor, those quotations, he said, could not fairly be taken as a market at which any considerable transactions might be made. He called attention to the value of the new security as a basis for national bank circulation, and showed that a market could eventually be found with the national banks for the whole amount it was proposed to issue as against the 5 per cent. bonds at the ruling quotation.

We are apt to say that business and sentiment are widely divorced, but there has seldom been a great business transaction in which sentiment played a part so important as in this bond issue. The Secretary appreciated fully the desirability of having the great financial interests favorably disposed toward the issue, and he enforced a plan which absolutely assured the success of the issue from the first moment the bonds were offered to the

public. He represented to some of the important financial interests the desirability of their showing a patriotic spirit, and absolutely guaranteeing the success of the loan as a matter of patriotism, and not of profit. The day the subscription opened there were two syndicate bids, each covering the entire issue, and each offering to take all or any part that should be unsubscribed by the public.

The subscription, therefore, started off under the most favorable conditions. To issue a $200,000,000 war loan at the lowest rate of interest any nation ever disposed of its obligations in time of war is an achievement. That $1,400,000,000 was subscribed to a $200,000,000 loan is an exhibition of financial strength which cannot fail to add greatly to our prestige. Such a demonstration is a monument which marks a line of safety between the fears of the past and the hopes in regard to our credit in the future. If it had been possible to accept all the subscriptions aggregating $1,400,000,000, and those subscriptions had been paid for in currency, it would have taken seven-ninths of all the money in circulation; it would have taken three times the entire amount of cash held in the thirty-six hundred national banks of the country.

Every subscription made by a syndicate, corporation, association, or firm, has been rejected, as under the law the subscriptions of individuals were to be given the preference over those of aggregated forms of wealth. The loan has been confined to the subscriptions of individuals in amounts of $4,500 and less, the law requiring that the humbler investors should be favored by providing that allotments should first be made to those individuals who had subscribed for the smallest amounts. More than half of the loan, or more than $100,000,000, has gone to 230,000 people, each of whom subscribed for $500 or less. Fully 320,000 people applied for the bonds, or almost 100,000 more than the number of men enlisted for the war with Spain; and every successful bidder has been made a more valuable citizen.

The department has never before undertaken so great a task as this floating of a strictly popular loan. In issuing $262,000,000 of bonds during the last administration of President Cleveland, the department had to deal with about 5,700 people. It has been quite a different thing to enter into relationship with 320,000 subscribers of the loan of 1898. More than 500 additional clerks were employed, most of whom are still at work. These were compensated out of the appropriation for the expense of the loan,

which was one-tenth of 1 per cent., or $200,000, not a penny of which went as commissions. The expense of issuing $1,300,000,000 of bonds during the refunding operations from 1871 to 1879, being one-half of 1 per cent., amounted to more than $6,000,000.

The work could not be done in the Treasury Department proper, and a new government building, known as the new City Post-office, and not yet otherwise occupied, was used. Here a floor-space of more than an acre in extent was utilized. It was like organizing another executive department to equip the new force for the bond work. There are only a few more clerks employed in the Department of Agriculture, and the bond force is more than four times as large as that of the Department of Justice.

More than $100,000,000 in cash was covered into the Treasury as the subscriptions were being made and before the delivery of bonds was begun. Altogether, over $150,000,000 has now been paid in; and the balance is being gathered in as fast as the augmented machinery of the Treasury can collect it. These vast sums have been handled so carefully that rates in the money market have not been perceptibly influenced on account of the absorption of money into the National Treasury. There has been absolutely no degree of stringency or congestion.

Such illustrations as these give some indication of the success of this first experiment of ours with a really popular loan. It has been a phenomenal success. It exhibits the credit of the United States in the most favorable light in which it has ever been seen. It shows the investing strength of the people to be greater than the most optimistic would have supposed, and our gain in financial prestige must be regarded as one of the foremost achievements of the war.

There was a curious element of chance in the loan, such as had never been in a bond issue before. Congress provided that, "in allotting said bonds, the several subscriptions of individuals shall be first accepted, and the subscriptions for the lowest amounts shall be first allotted." No one, therefore, could tell just where the line would be drawn below which all individual subscriptions would be filled in full and above which no subscriptions would receive allotment. The Treasury could not ask full payment to accompany the subscriptions, because of the impossibility of saying whether an allotment would be made to a subscriber. The plan under which the previous bond issue was regulated, permitting bids to be made without any deposit of earnest money, was

rejected. It was decided, however, that by no chance could the *bona fide* subscriptions of $500 and less absorb the total amount. All subscribers for $500 and less were required to make payment in full, and the department promised that an allotment of bonds would be made of every such subscription. Those who subscribed for more than $500 were required to deposit 2 per cent. thereof to insure the good faith of the application. The most sanguine friends of the popular loan hardly anticipated that the subscriptions for $500 and less would reach an aggregate of over $30,000,000 or $40,000,000, and many good judges placed the limit well below those figures; but subscriptions of that class reached an aggregate of $101,000,000.

It was evident, however, soon after the books of the loan were opened, that persons who wished blocks of the bonds were getting individuals to subscribe in their interests. Immediately every obstacle the Treasury Department could command was interposed in the way of such plans. Suspicious cases, involving more than $40,000,000, were held up for investigation; and at this time about $20,000,000 in subscriptions have been returned as not having been made in good faith. Investigations are still being conducted. The bank or person sending in subscriptions which bore the suspicion of being not in good faith was made to answer unequivocally whether or not the subscriptions were *bona fide* and solely in the interest of the person signing the subscription blank, and whether the bank or any person or interest other than the subscriber had an ulterior interest in the subscription. In many cases the department was forced to accept the statements made by the subscribers, although it used to good effect the machinery of the secret service in verifying the statements made. Undoubtedly, false statements were made, and blocks of bonds secured in a way not wholly within the spirit of the law; but it is a fact that the most strenuous efforts were used at every stage to prevent persons from receiving allotments contrary to law.

Before the books of the loan had been opened many days the public began to learn that the bonds which the government was disposing of at par were worth a premium in the market; and it is a fact that during the last two days the books were open the mails were heavier than on any days preceding. First, the bonds were quoted at 102, then 103, and finally as high as $105\frac{1}{8}$. With standing offers of 3 and 4 per cent. premium, it was small wonder, then, that the last days of the subscription saw such phenomenal

receipts. Fifty thousand subscribers applied for bonds in these last two days. It was not growing patriotism on the part of the humble investor that so increased the mail: it was market quotations, showing a substantial premium for bonds that the government was offering at par.

From the point of view of a popular subscription the loan was in every way an astounding success. But it must not be forgotten that there were elements of speculation as well as patriotism; that there was a market showing an immediate profit for every person who could secure a bond. Notwithstanding the bonds were issued in a popular cause, they were issued at a time when money was easy and securities were high. They were issued at par, so there was no calculation to discourage the most inexperienced investor. Any man with $20 knew that he could invest it and get a $20 security back. There was no commission, no premium, no restrictions as to the character of the remittance. Subscribers were permitted to send their money in any form of currency of the United States, any character of bank check or draft, post-office money orders, and express money orders. Could there have been more perfect conditions for a successful popular loan?

There was a coincidence at the closing of the loan. The time set for receiving the last of the subscriptions was three o'clock on the afternoon of July 14, and it had been ruled that subscriptions must be at the department by that hour. Arrangements were made for a rapid special mail delivery to leave the post-office at the latest possible moment, in order to reach the department by three. As the Treasury wagon containing the last of the twenty-five thousand letters received that day started with a rush for the department, news came over the telephone wire that Santiago had fallen. The man who received the news mounted the desk; and at the moment the messenger ran in with the mail which closed the $1,400,000,000 subscription to the war loan our victory in Cuba was announced, and the hundreds of clerks were cheering the announcement to the echo.

Large as the subscription was, it would have been vastly larger had not the knowledge that small subscriptions would first be filled prevented many large ones being made at all. It was evident, early in the course of the subscription, that subscribers bidding for amounts as large as $50,000 or $100,000 would get nothing; and a great number of bidders of that character were discouraged, and put in no bid at all.

The war revenue act was designed to add about $150,000,000 a year to the internal revenue schedules. Some of the old schedules were modified, and new taxes also were added to the list. As to the old schedules, the principal change was in reference to the tax on beer, which was doubled; and from this source an additional $30,000,000 a year is expected. It is expected that the increased tax on tobacco will add $6,000,000 to the revenues. Of the new taxes, the most conspicuous is a tax of ten cents a pound on tea, which is expected to bring to the Treasury not less than $10,000,000 annually. The measure is far-reaching, and the tax-gatherer's hands are laid upon almost every individual and every business. Bank paper of all kinds is subject to the adhesive stamp tax, and many old taxes on proprietary articles have been restored. Most commercial instruments are also reached by the stamp duties. It is estimated that the receipts from the stamp taxes will be in excess of $92,000,000. It is yet too early to estimate accurately what the act will produce. There is much latitude of opinion. One Treasury official believes that the new taxes will not be much in excess of $100,000,000; another is of the opinion that the estimate of $150,000,000 will be exceeded. Possibly between these two extremes lies the correct figure. The difficulty results from an inability to determine whether or not the present sales of stamps are normal. It is believed by some that those who are required to make extensive use of the stamps are laying in large stocks, and for this reason it is feared that the operation of the law cannot be accurately gauged. Already some are beginning to worry about a surplus. The cash balance in the Treasury at the present time amounts to $292,225,121.61. Within a few weeks another $50,000,000 will be added on account of the proceeds of the war loan. It is probable that the end of the fiscal year will find the Treasury in possession of a comfortable working balance, but there is no occasion why that should be a cause for concern. From the Treasury standpoint it is better to worry over a surplus than it is to fret about a deficiency. While the war expenses may not continue so heavy until the end of the year, it is almost certain that they will add much to Treasury expenditures for some months to come. Over $100,000,000 has been paid out on account of the war, and is represented by settled accounts.

One cannot give accurate information as to those which yet remain to be passed upon by the accounting officers for adjudication and settlement. It is safe to say, however, that the

$361,000,000 appropriated on account of the war will be entirely adequate for the period available,— that is, to December 31 next,— perhaps more than adequate. But we have incurred wide responsibilities as the result of the war. The late Spanish dependencies, now passing into our possession, will, in course of time, it is hoped, become self-supporting; but for a season at least our National Treasury must be drawn upon for the expense of establishing new and stable governments, and for regulating the affairs of the islands in accordance with American plans and ideas. We are going to have a larger regular army, perhaps 100,000 men; and certain it is that no backward step can now be taken in reference to the new navy. There will be greater and greater need for the expenditure of money from the National Treasury, and it may therefore be somewhat premature to concern ourselves about the terrors of a surplus. At any rate, the experience of having one will be so novel that we may at least be permitted to retain it until we become used to it.

The war taxes are not obnoxious. In many respects the revenue measure provided sources of income which must meet with almost universal approval. The burden has been laid upon the shoulders that can easily bear it. No great amount of sympathy need be brought forth by the trifle which has been placed upon bank checks and drafts, on foreign bills of exchange and legal instruments. It is a tax bill that reaches for income where income can be best spared. It adds to the Treasury resources from the earnings of corporations, from the plenty of the well-to-do; and its weight has nowhere proved a serious burden.

I do not know what results you may reach, measuring by scientific standards and reviewing from critical economic standpoints this period of war financiering; but, from the practical ground of results accomplished, it seems to me the methods have been wholly admirable. In going to the people with the bonds, in providing perfect conditions for the popular subscription, Congress met the almost universal wish of citizens. It is true that it was done at some sacrifice of a possible premium; but the wholesome effect of the plan, and the good results that must follow from so widely scattering a direct financial interest in the government, is not to be weighed in the same scales against that small loss.

Nor has the government appealed to the people as against recognized financial interests. There was not opposition, but co-operation, the broadest spirit of co-operation. In spite of the fact that no corporation, no bank, could have a subscription considered,

in spite of the fact that the modest investor had precedence over the rich; that every man wishing to make a small investment was welcome and given bonds to the full amount of his subscription, while those asking for amounts even so small as $5,000 received nothing,— in spite of these facts the great financial interests of the country were in the most hearty accord with the government. Every bank was a government agent, soliciting subscriptions and forwarding remittances, and doing that work absolutely without charge. Everywhere the Treasury met with a willingness to forego profits, everywhere with disinterested patriotic aid. Practically, the whole subscription was made through the banks. Remittances by postal note, from which so much was expected in some quarters, amounted only to $731,000; remittances by express orders, to less than $100,000. Of the $200,000,000 of accepted subscriptions, remittances by bank paper and cash aggregated over $199,000,000. These hundreds of thousands of checks and drafts have been collected without the loss of a cent, and without a penny's expense to the government.

On the other hand, the Treasury has been thoughtful of financial interests. It has drawn in the $160,000,000 so far collected without embarrassment to the money centres. It has kept in touch with the outside situation by businesslike methods, and has made the Treasury operations proceed in harmony with financial currents. The financial emergency of the war has been met, and met without excessive burden to the citizens of the country and without disturbance to the currents of commerce.

DISCUSSION.

The discussion of Mr. Vanderlip's paper was opened by Professor Charles H. Hull, of Cornell University, who spoke as follows: —

It has been your privilege, as it has been mine, to hear a description of the very successful conduct of our recent war finances from the lips of a man who might well say, "All of this I saw, and a great part of it I was." In following him, therefore, I have no need to dilate upon the success which has attended the efforts of the Treasury during the present war. That has been very justly emphasized by the speaker, and it will be further emphasized to each one of you who shall contrast with it the financial management of other wars through which it has been our good fortune and our bad fortune to pass. The fundamental difference between the financial management of this war and that of the other

wars in which the United States has been concerned arises out of the differing relations of the war taxes to the war loans. In entering upon this war, we promptly imposed a war tax. In each previous case of war it was our persistent policy to depend primarily, and at the outset of the war to depend exclusively, upon the proceeds of loans for meeting war expenses. In the Revolution no other course was open to the government. The Articles of Confederation gave it no power to levy taxes. Therefore, it had to borrow. The policy failed so completely that the paper-money promises to pay issued by the Continental Congress are a slang synonyme for worthlessness to the present day,— "Not worth a continental."

In the War of 1812 the same policy was pursued without the same necessity and with scarcely greater success. That war was declared on the eighteenth day of June, 1812; and, before any war taxes were laid in addition to the peace taxes already in operation, the government had borrowed something over thirty-six millions of dollars, or over five years' ordinary expenditure. The tax law was passed in the middle of the year 1813. Before it had begun to produce any revenue, some ten millions more had been borrowed. In other words, the Treasury borrowed seven years' ordinary expenditure before a cent was received from war taxes. After the revenue from the new taxes began to come in, an attempt was made to borrow some thirty-five millions more; but the government was able to place only some twenty-three millions of securities, though bonds which drew 6 and even 7 per cent. were offered as low as eighty-one in gold.

In 1860, at the outbreak of the most expensive war we have ever waged, it was our misfortune to be served, in the office of Secretary of the Treasury, by a man of many admirable qualities, but without experience in the particular work which the Secretary of the Treasury is expected to do. Mr. Chase, doubtless, knew many things. He did not know finance. His dependence was upon the plan that had already twice failed. In brief, he proposed to borrow $240,000,000, and to raise $80,000,000 by taxation. With the assistance of Mr. Seward, it was decided that the war could be carried through on those sums. Of the $80,000,000 of tax revenue, the interest on the proposed debt would take, Secretary Chase said, about nine millions, which is less than 4 per cent. on the face of the debt. The sinking fund would demand about five millions more, making in all fourteen millions for the service of the loan. The peace establishment required $65,800,000, leaving just $200,000 per annum of war expenses to be met by taxation. The rest was to be met out of the proceeds of the bonds. By the middle of the next year the necessity of additional war taxes began to be seen; and the Internal Revenue Act of July 1, 1862, was passed. Largely as a result of Congressional inexperience with internal taxation, this act was so badly conceived and so hastily drawn that it produced relatively little additional revenue until after the amendments June 30, 1864. As

a result of this repetition on a large scale of our old fiscal experiment, the United States issued during the calendar year 1864 bonds, treasury notes, and other forms of securities aggregating $754.000,000, and sold them at an average price of fifty-one cents for the dollar in gold, although none bore interest at less than 5, and some bore as high as 7 per cent. It is difficult to characterize with due severity a fiscal policy capable of producing such disastrous results.

The fiscal policy of the late war was a different one, for at the very outset tax revenue was provided to a considerable extent. Now, in comparing our policy in the late war, in which we seemed to have learned in part the costly lesson of our own experience, with the policy of the government in 1812 and 1861, we must recognize that there were greater political difficulties in the way of prompt taxation in 1812 and 1861 than in 1898. In those previous years the war about to be begun was unpopular with a section of the country, or with a party, or both. In this present year there has scarcely been a considerable contingent anywhere in the country with whom, on the whole, the war has not been popular. It was, therefore, possible to get a tax bill through Congress and to get taxes paid. We must recognize, however, that these fortunate possibilities are due not merely to the martial enthusiasm of the taxpayers, but also to a certain distrust of bond issues prevalent in various parts of the country, and not unknown among members of Congress. Much of the opposition to bonds arises, of course, from the recent Carlisle issues, partly because their circumstances were misunderstood, partly because their purpose was disapproved. But, putting all that aside, may we not find in the history of our Civil War alone an adequate explanation of the temper of the country on this subject? We have already seen that gold bonds were sold at a heavy discount, when taxes should have been levied instead. Moreover, the bonds were so drawn that, when the belated tax revenue did come in, much of it could not be applied to the extinction of the debt, and, when the bonds finally became payable, the money that might have served to pay them was already spent,—not to say squandered. Either as a result of these experiences or for some other reason, there was a considerable dislike for bonds in Congress. Something, however, had to be done to get money; and taxation was, of course, the other alternative. Whether, then, it be as a result of the lesson of experience or as a result of dislike for bonds *per se*, at any rate we find this war characterized, as compared with previous wars, by the important financial difference that in this war we had tax revenue in a considerable amount at the outset,—something we had not had before. The war has turned out to be short and relatively inexpensive. Consequently, we cannot be altogether certain how the peculiar financial plan provided, with its rigid limitation upon possible loans, would have worked had the war proved long and costly. But with such a war as we had, conducted upon a financial plan that has worked,

under the circumstances, in the manner just described by Mr. Vanderlip, it seems to me we have a right to congratulate ourselves.

If I may venture to ask your attention a little further to one or two of the matters spoken of in the paper, and to take them up more in detail, I would like, in view of some criticisms that have been made upon the recent "popular loan," to say a word about the meaning, as I understand it, of that expression. There seems to be a notion prevalent in some quarters of the country, and finding vent in some of the newspapers, that a loan is not a popular loan unless all the people who buy it keep it forever, or at least until the government deprives them of the bonds by paying them off. Now the great mass of small investors simply cannot afford to invest in a 3 per cent. government bond, exempt from a taxation though it is. That exemption is not the advantage in practice that it appears to be on paper. Consequently, it is absurd to suppose that 320,000 people will buy 3 per cent. bonds and hold them for ten or twenty years, until the government shall be able to pay them off. The man who buys the bonds for the purpose of selling them at a slight advance is making a perfectly legitimate business transaction, and his desire for the bond is a perfectly legitimate desire, which may be counted on in reckoning the success of the loan as a popular loan. The idea that a man wants a bond for no other reason than to keep it is an idea which is contradicted before our eyes every day, if we look at the number of bonds sold in the principal markets.

There is still one other matter, and that is in regard to the continuance of the war taxes. It appears, as the matter has turned out, that a large share of the expenses of the war, if not quite all of them, can be met out of the borrowed $200,000,000. Only a comparatively small addition to previous taxes will be required for the future in order to meet both what apparently would have been our normal expenditure, had no war occurred, and also the additional expenditure required by the interest charged on the new bonds and an adequate provision for their eventual retirement. It seems, however, to be the general conviction that increased expenditure, arising from the administration of government in Hawaii and Porto Rico, and perhaps in Cuba or even the Philippines, will require the retention of some of the new war taxes even after the war is closed. So the question arises, which shall be retained? It has been remarked that the additional dollar per barrel upon beer, which may be expected to produce something like $30,000,000, can well stay. The tax on tea is said by the commercial papers to be acceptable to the trade, and even to have affected in the quality of tea imported an improvement, disproportionate, perhaps, to the increase in its price. In that event the tea tax is a tax which can be retained. The tax upon checks, drafts, and bills of exchange, and the taxes upon deeds and mortgages, seem to me to stand upon a more questionable basis; but I will not take the time to discuss

them now. There is, however, one war tax not even mentioned by the speaker, from which I should expect a large revenue; and that is the inheritance tax. The act of June 13 imposes a tax upon the successor to personal property, when the personal estate of the decedent is more than $10,000. The rate varies from three-fourths of 1 per cent. to 15 per cent. on the excess above $10,000, according to the aggregate amount of the estate and remoteness in blood of the successor from the decedent.

Now there has been much discussion as to the desirability and the advisability of taxing inheritances at all, and especially as to the desirability of taxing them at so high a rate as 15 per cent. I certainly do not wish at present to raise any objection to that kind of taxation, or even to that rate. But I certainly do wish to raise an objection to the collection of that kind of taxes by the federal government. The inheritance tax was introduced in Pennsylvania in 1826. In 1885 this State followed Pennsylvania's example; and soon thereafter similar taxes were imposed in a number of other States, until now we have them in fourteen States. This is a tax that can be pretty efficiently collected. To be sure, our New York lawyers are exerting themselves, just now, to find ways of evading the inheritance tax in this State by the testamentary creation of contingent remainders and by like transparent devices. But the legislature will have no serious difficulty in dealing with that particular form of tax-dodging. The inheritance tax, then, is a workable tax. Furthermore, it is a productive tax. In England, where the rate never goes higher than 12 per cent. on estates, the "death duties" produce something over $60,000,000. In France, where the rate varies from 1¼ to 11¼ per cent., the yield averages $40,000,000. In the State of New York, which does not go, under any circumstances, beyond 5 per cent. upon collateral heirs, and takes only 1 per cent. when direct heirs are concerned, the inheritance tax, though levied solely upon personal property, has produced on an average during the past five years something over $2,000,000 per annum.

According to the last census the personal property owned in the State of New York was one-tenth of the personal property in the country at large. On that basis the federal inheritance tax should produce more than $20,000,000. Nevertheless, the inheritance tax ought not to be retained as a part of the federal tax system. Revenue from this source is needed by the States. The States and the federal government cannot both collect it. If the federal government persists in collecting an inheritance tax, the States will be obliged to recede from it. Now the most promising path toward tax reform in our cities lies through the separation of local and State revenue. By apportioning certain sources of taxation to the State and certain other sources, reached by different means of collection, to the local government for local expenses, the more serious of the existing complications may be done away with. Upon this path the State of New York has made con-

siderable progress during the last twelve years. We have introduced a comprehensive system of corporation taxes, and assigned their yield to the State treasury. We have begun the taxation of inheritances for State purposes. The Raines liquor law is adding a handsome amount to the State's revenues. These are steps in the right direction; and, if only we could also get rid of the excessive expenditure now occasioned by several of the State "commissions" whose most obvious purpose is to make places for persons politically useful, it would not be long before the general property tax could be handed over to the cities and the villages for their exclusive use. Even without a substantial reduction of State expenditures, it may be possible to cover them all by other State taxes than the general property tax.

But this desirable reform of State finances depends in New York, and probably in other States also, upon State control of the inheritance tax. If it comes to be a question, therefore, of repealing some of the federal war taxes, there is no one of them, I think, which should go from the statute book before the federal inheritance tax. The national government should not so use its superior constitutional position as to embarrass State finances.

I do not wish to take up too much of your time, but beg to speak of one more point in connection with Mr. Vanderlip's paper. Although it is a paper on war finance, it is largely devoted to a description of taxes that would not be out of place in a rational system of peace finance. Indeed, I cannot resist the impression that, while these taxes are in form war taxes, the war exigency has in fact afforded an excellent cover for introducing into our federal system certain taxes which we need for peace purposes. We need the new taxes for several reasons. Greater diversification of our sources of revenue can be made to produce a closer approximation to justice in the distribution of the burden of taxation. Our federal taxation has long rested almost wholly upon consumption. It is time that personal property, and especially in the form of money, which is always hard to get at, should be made to contribute at least some part of its just share. The stamp taxes upon checks and commercial paper and upon sales of securities are an improvement in this respect. We need new taxes, too, to get more money. Our novel relations, actual and prospective, to islands in the Pacific, may increase our commerce; but it will be an increase of such a character that we can no longer expect to get an adequate revenue from customs duties whose primary purpose is protection. I do not desire to go into the question whether the Dingley tariff did or could produce sufficient revenue. I am glad to believe that, as Mr. Vanderlip thinks, it would eventually have done so, had not the war intervened. But, under the new conditions that seem likely to result from the war, no tariff primarily protective can be expected to produce revenue sufficient for the future. Doubtless the present unprecedented trade balance in our favor is largely due to the happy accident of large crops. But it is not solely due

to sun and rain. Our exports of manufactures are steadily creeping upward, while our imports of manufactures are steadily falling off. This may have taken place as a result of the policy of protection or it may have taken place in spite of that policy. In either case the fiscal lesson is the same: we need new taxes to furnish the revenue which protective duties can no longer afford. Those who believe, further, that high import duties upon raw materials, like sugar and wool, are a check upon our domestic industry, will be glad to see at least a portion of the burden transferred to some other shoulders. Thus we see that our recent war finance has not been war finance alone: it has been also, when we recognize the fact, a needed bit of peace finance.

Mr. SANBORN.—I presume Mr. Vanderlip is informed, and I should like to know upon what authority, what recognized existing authority, the war tax bill was framed? and whose estimate of probabilities, whose knowledge of past experience, was relied upon?

Mr. VANDERLIP.—It was framed with very few estimates from the departments. It was framed quite unlike the appropriations which are framed specifically on estimates from the Treasury Department and other departments, coming up to Congress, through the Treasury. There was no such action in this case. As matter of fact, there was very little consultation between the people who framed the bill and the Treasury authorities. The War Department was not able to make any very close estimate at the time the bill was under consideration. The Navy Department was able to make a fair estimate perhaps of what its needs would be. The internal revenue taxes, however, were framed very largely by Mr. Dingley and his associates in the House.

Prof. RUSSELL.—I wish to add one observation in regard to abolishing the inheritance tax at the earliest possible date. The federal tax may amount to 15 per cent., the State tax may amount to 5 per cent. One good estate may thus be subjected to 20 per cent. of taxation; but the same corpus of an inheritance may possibly be taxed twice in a year, and perhaps three times in a year. The Kaeser estate was devolved twice in a year; and other estates have been devolved three times in a year. If a man in Saratoga worth $100,000 should die, and the estate should thus be devolved three times, it is possible under this system for 60 per cent. of the whole corpus of the estate to be taken by public authority for public interest.

Dr. SMITH.—Those of us who are old enough to remember the state of affairs at the time Mr. Chase was Secretary of the Treasury feel that some modification of Mr. Hull's statement may be justified, because it was not possible then to procure money, because the world at large did not believe in the perpetuity of this government, and more than half of our own people were doubtful about it. When General Dix, Secretary of the Treasury for a short time, needed money for the government, he wished a small loan from the New York bankers. I have forgotten what the amount then was; but we had actually to pay 12 per cent. for money at the outbreak of the war, so doubtful were our own people and the financiers of this country as to the future of the Union. We were in a state of disintegration. Everybody who had money put it in his pocket, and buttoned up that pocket. Under those circumstances it seems to me that the financiering was successful, and at all events enabled us to get fairly on our feet.

Mr. SANBORN.— I am glad to hear Dr. Smith make this statement. It had occurred to me, and I believe every person present who remembers that period will think, that the criticisms on Secretary Chase, while not intended to be unjust, were practically unjust. I have yet to learn that any Secretary of the Treasury within my recollection has had to encounter greater difficulties, or has, on the whole, met them more successfully than did Secretary Chase. He had to encounter difficulties in his own nature as well as in the circumstances of the country; he was essentially a lawyer without any particular knowledge of finance, and he had that superstition which is apt to attach to the legal profession as to the limits of constitutional power. And, although it is probably familiar to some people, I think I will tell the story of Colonel Taylor, Secretary Chase, and President Lincoln. Colonel Taylor, an Illinois man, a friend of President Lincoln, and somewhat acquainted with finance, came to Washington during these early difficulties of the Treasury, when the bankers of New York had made it a great act of patriotism that they would loan money to their own government at $7\frac{3}{10}$ per cent., and Taylor suggested a plan of raising money by loan and certain conditions of interest which seemed to him feasible. He explained them to the President; Mr. Lincoln seemed to think well of them; and said, "Colonel Taylor, won't you go and see the Secretary of the Treasury, and explain this matter to him?" So Colonel Taylor went to see Secretary Chase, and came back somewhat crestfallen to the White House. Mr. Lincoln said, "What did the Secretary say to you?" "Well," said Colonel Taylor, "he said there was only one objection to my plan, and that was it was perfectly unconstitutional, contrary to the Constitution of the United States." Mr. Lincoln replied, "Colonel Taylor, go back to the Secretary of the Treasury, and say to him that I have the Constitution of the United States here in the White House; and I am guarding that sacred instrument with the utmost care." The measure was afterward adopted.

Hon. ST. CLAIR MCKELWAY.— I wish to recall a New Yorker, the name of a statesman, who, from the view-point I take, was never for one instant wrong in his estimate of the financial situation during the war between the States. The name of that statesman was Horatio Seymour, his function that of Governor of the State of New York, his position that all the obligations of the State ought to be paid in gold, and gold only. He stood almost alone among our public men in his commonwealth in support of that proposition He was able to effect that proposition at a time of peril to its permanency because he had the power of two-thirds of the legislature in the possession of the veto function of the State executive. However our friends in other States may be divided or may have been divided at the time and for a long while afterward upon the ethics or the legality of that position, the State of New York from the time that Governor Seymour effected that stand up to within two years was a State of hard money, was a gold-standard State. One party was not more a gold-standard party than the other. Each raced for public approval under the flag of the gold standard. The fact can be asserted with truth that from 1824 to 1896 that was the case with all parties here. And, sir, I take it that seventy-two years of a decorous and upright life are more significant of conduct and character and more hopeful of the future than the single debauch of 1896.

I wish to make one remark about the inheritance tax. I never expect it to become an object of solicitude to myself or my posterity, but I do recall a

decision of the Supreme Court of the United States in a case that originated in the county of Suffolk in this State. Involved in that case was the proposition whether the government could constitutionally tax an inheritance, and the proposition whether an excessive inheritance tax could properly be laid. The United States Supreme Court laid down the principle that a man's ability legally, affirmatively, or constructively, to control the disposition of his property by will was purely a legislative concession: it was not a natural right; it was not a constitutional right. The statement was made that, the making of a will is an act of personal legislation taking effect upon property possessed at the time by the testator, and that the legislature could not only recall that permission, but could allow the people to resume possession of that which had been intrusted to the man up to the time of his death, and that they could resume possession of it either by the repeal of the will-making power or by the placing of a tax as high as 100 per cent. upon it, rendering the making of wills as impossible as the 10 per cent. taxation makes circulation to State banks impossible, and to banks other than national banks. Now, if this is so, I do trust that among the first provisions to be repealed will be the repeal of the federal inheritance tax. The State inheritance tax should be sufficient. Certainly, double taxation is wrong; and the State tax and the federal tax, if not double in form, are either dual taxation or taxation twice over. I leave that to the lawyers. I can only say that, should an inheritance tax be paid at Albany and one also be paid the United States government, the thing taxed would be *twice* taxed.

In the course of a long life, Mr. President, I have observed the mighty power which this tariff question plays in our politics; and I am glad that one result of this war is this,—that none of us can be hide-bound protectionists or hide-bound free traders. In the near future the question of tariff and taxation must be questions of condition: it can no longer be a question of theories. I also hope that some of these internal taxes will be retained, not merely for the purpose of simplifying the matter of insuring enough revenue, but for the purpose of relieving, if possible, the agitation which occurs every four years,—a new making and a new unmaking of our financial system. I believe in the possibilities of man. There are patriotic men, men who believe in principle, men who believe in the union of views, who believe in preserving in the name of civilization all that we have gained in the name of humanity. I believe in the possibility of those men coming together and agreeing upon our tax system in a manner to make it as just as truth, as intelligible as fair dealing, and as exact as book-keeping.

III. DEPARTMENT OF JURISPRUDENCE.

1. ABSTRACT OF ADDRESS BY THE CHAIRMAN.

[In his opening address on Thursday morning, Professor Francis Wayland, Chairman of the Jurisprudence Department, called attention to the great and growing numbers of unpunished murders in the United States as compared with the criminal statistics of Great Britain and her colonies. He mentioned, among the more serious defects in our criminal jurisprudence in dealing with homicide, the needless delay in reaching trial, the inexcusable prolongation of trials, the facilities afforded by the right of appeal to State courts and to the Supreme Court of the United States for defeating the ends of justice, the gross abuse of the pardoning power, and the vicious and demoralizing exhibitions of public sympathy with convicted murderers.

By contrast, Professor Wayland commended the prompt, dignified, thorough, and impartial treatment of prisoners arraigned before the criminal tribunals of Great Britain, the certainty and celerity of punishment following conviction, the absence of all demonstrations of maudlin sympathy with the prisoner, and the impossibility by appeal to successive courts of postponing punishment until the true moral effect of conviction is hopelessly lost.

These views were enforced by reference to some recent trials for murder in the United States,— notably, the Durant case in California, and the Carlisle case in New York. His statements as to the administration and enforcement of criminal law in Great Britain were fortified by statistics kindly furnished by the Home Office in London.]

2. CAN INTERNATIONAL DISPUTES BE JUDICIALLY DETERMINED?

BY PROFESSOR ISAAC FRANKLIN RUSSELL, D.C.L., LL.D., OF NEW YORK CITY.

[Read Thursday morning, September 1.]

The war with Spain cost us over a million dollars per day. At the outbreak of hostilities we were unprepared in many respects for a sharp military and naval struggle with even a second-class power. We have been a peaceful nation. Our diplomatic isolation from European countries, and the cherished counsel of the immortal Washington in his Farewell Address to keep free from foreign entanglements, have controlled our foreign policy. Our statesmen have been sound on the Monroe Doctrine. But we have not escaped wars altogether. And how marvellously have human destinies been shaped by these death-struggles! The French and Indian War settled the language, religion, and institutions of this continent, and made them English instead of French. Our Revolutionary War taught England the necessity of a wise colonial policy, and guided her in building up an empire, under all suns and in all seas, based on righteousness, liberty, and law. The Algerine War was without special incident. The War of 1812, while it resulted in sweeping the American flag from the ocean, proved that, man for man and frigate for frigate, the American navy had no superior in the world. The Mexican War was fought to secure more area for slave-cultivation through conquest, and for the perpetuation of that economic system through the admission into the Union of new States committed to the policy of slave-labor. The annexation of Texas hurried on the irrepressible conflict. The War for the Union proved the necessity of a continental empire and a policy thoroughly national; and, incidentally, it wrought a revolution in the naval warfare of the world.

No investments of money have been more popular than those that have been made in war. No heroes have gotten such glory as the soldiers and sailors of the Republic. Every President of the

United States has been either a soldier or a lawyer, and many have been both soldiers and lawyers. In several cases the Presidency has sought the soldier as a reward for his services and a tribute to his genius. This is certainly true of Washington, Jackson, Taylor, the elder Harrison, and Grant. Nothing appeals so strongly to popular sentiment as martial glory. There can be no more eloquent advocacy of a candidate for office than to say of him, "Here is a friend of Abraham Lincoln: here is a companion in arms of Grant, Sheridan, and William McKinley." Military titles are coveted, not only in Kentucky, where every man of wealth and importance is at least a colonel, but also in New York, where appointments of civilians on the governor's staff are sought on account of the spurs and epaulettes which illustrate the high rank of these fierce warriors.

In Europe the truth is more easily understood. The Kaiser is a war-lord. The Prince of Wales is a field-marshal, and, as such, subject to military criticism and discipline for indiscretion at a game of cards. A soldier, booted and spurred, meets the princess royal at the marriage altar, and there receives his wife from the Queen's own hand. No man of letters, till the time of Tennyson, ever got a peerage in recognition of the service of authorship. No physician till the Queen's Diamond Jubilee was ever honored by ennobled blood. How are monumental honors awarded in Westminster Abbey and St. Paul's Cathedral? Where are the statues of Shakspere, Arkwright, and Jenner? And in what town in England can we escape the high mounds, the towering shafts, and spacious squares that perpetuate the glories of Waterloo and Trafalgar?

And now come a few publicists, priests, and philosophers, who tell us that war should be no more, that war is wholly evil and not a necessary evil, that the arbitrament of reason should take the place of an appeal to arms, and that a forum of all the nations should settle all disputes between states. Many orators and essayists have exhibited the frightful cost of war in blood and treasure, in widowhood and orphanage, in desolate homes, broken hearts, and shattered lives. The figures they display in units of millions are astounding, and simply unappreciable by the ordinary mind. They stagger the imagination even. It costs as much to build and equip a battle-ship as it does to found and maintain a university.

The question is many-sided. Economically, we have to count

not only the cost of building and fitting out fleets, of maintaining armies and purchasing food and ammunition, but we must contemplate the waste of energy in withdrawing thousands of able-bodied men from productive industry. The religious and ethical aspects of militancy are more frequently presented. It is considered quite unchristian by some to kill one's fellow-man. War is murder, war is hell. It is unphilosophic and irrational as well, for no truth is demonstrated by the presence of the heaviest artillery.

But is there not an optimistic view of war which we are compelled at times to take and always to consider? Industrialism has been evolved from militancy. The main bulwark of manufacture and commerce is the security to life and property which the army and navy afford. If the military and naval establishments are expensive, they pay for themselves many times over in a low rate of interest to the borrower. Has not empire been founded by the sword, and is it not empire which gives man peace? Who would exchange the equilibrium of great states resting on the European concert for the chronic strife of mediæval feudalism?

There must surely be some reason, deep-seated in human nature, for the glory that accompanies feats of arms. May we not find it in great part in the contempt for physical pain, for death even, that marks the hero? In these politer times there are moral heroes who bravely face the mouth of imaginary cannon, and who fight at close range with the spiritual forces which make for evil, but who are cowards in the presence of physical pain, and who cry piteously for gas or some other anæsthetic whenever they feel the sting of the surgeon's steel. Our condemnation is severe for the contests and gladiatorial strife of the Roman amphitheatre. We are unsparing in our denunciation of the bull-fights of Spain and Mexico. And yet it remains true of our own country, in times of peace, that professional prize-fighters attract more notice than any other class of men who appeal to public attention, unless it be the college champions who strive for victory at the oar or on the diamond or the gridiron. Why is it that boys in preparatory schools can name the famous athletes of our great universities, and know nothing of the professors who fill the chairs of Latin, Greek, and mathematics? Why is it that football has come into such commanding notice at our chief seats of learning? Many urge that prize-fighting is child's play as compared with

football. Certainly, in the latter more are "knocked out" under the rule that a fallen contestant must rise in ten seconds. Why are the greatest prizes of university life — those awarded not by the trustees or the faculty as a tribute to learning, but by the students themselves in recognition of good fellowship and well-rounded manhood — given so largely to athletes? May we not safely say that it is contempt for physical pain and the summoning of every faculty in one desperate effort for supremacy that wins our plaudits? Are not these now just as they have ever been, and are they not likely to survive and dominate in future generations?

There is danger in the evanescence of heroism. Peace may be dishonorable, selfish, luxurious, and sordid. The decay of national honor may be by process of slow rot, and thus escape the observation of the thoughtless; but ultimate ruin is sure, if not swift. History is not silent on this point, but is vocal with instruction and warning of the peril that lurks in a purely mercantile policy,— a policy that asks regarding a war, not "Is it right?" but "Will it pay?"

There are no fetters more galling than those forged by the money power. There is no humiliation more pitiable than that of the subservient tool of a conscienceless plutocrat. An English king may be subsidized by Louis XIV. to eliminate him as an element in the foreign policy of Europe; a poet laureate for a pension may sing the virtues of a royal profligate; a famous philosopher and man of letters may become the hireling of a prince or minister, and advocate political measures not for their statesmanship, but for the pounds, shillings, and pence that reward his disgraceful service; a college president may have his tenure of office qualified by a censorship of his political and economic opinions. These are all contemptible. So are they who, under the cover of anonymity, write for a venal and blackmailing press, or, bolder far, ascend the platform or pulpit, and defend the rogues with whose dollars they fill their pockets. What respect does a man command who says, "These are my opinions; and, if they do not suit, they can be changed"? What sadder sight than to behold genius enslaved, energy paralyzed, eloquence hushed, song silenced, and art corrupted,— all through the virus of the money power? But what can measure our contempt for those who would extend this system of venality to our national government and its foreign relations? Men who would scorn, in their

individual business affairs to compound a felony, are heard to advocate our accepting a subsidy to pension the dependent families of American citizens and sailors who have been ruthlessly murdered. What is American citizenship, and what its privileges and immunities, and by whom are these guaranteed? Are we ever to wage war? If not, then why build cruisers and battleships?

The loftiest ethical philosophy underlies the constitutional safeguards of life, liberty, and the pursuit of happiness. The noblest morality is reflected in the legal rule that justice is priceless and inalienable. Shall we now, in scorn of our birthright, and reckless of the blood and treasure which our fathers sacrificed to secure it, sell ourselves into slavery to Mammon? Are there not greater calamities than the decline of securities in Wall Street?

But what of law and reason? Do they not suffice to compose the quarrels of private citizens? And may not sovereign governments reasonably hope to find in a supreme court of international judicature a high tribunal of justice, whose jurisdiction shall be ample enough to comprehend all the disputes that may arise between the various nations of the earth?

Legal remedies, as often conceived, involve the co-operation of lawyers and witnesses with judges and jurors, and the subsequent intervention of the executive arm of the state in a writ of execution or other mandate enforced by the sheriff. Thus "due process of law" and the "law of the land" are terms suggestive of the regular stages in the slow and orderly proceedings of courts of justice. Blackstone in his Commentaries makes a distinction between remedies by act of the parties and remedies by operation of law,— a distinction which has been attacked by some jurists as unphilosophical. The summary redress of grievances by act of the injured party is well recognized in our law, both civil and criminal, as,— for example, in the case of abatement of certain nuisances, recaption, and entry on lands, and in the doctrine of self-defence. The nocturnal burglar and the highwayman, if killed by a citizen while resisting an attempt on their part to commit felony on his person, or on his wife or child, or even in his presence, die under the law of the land as truly as if executed by the public hangman. Courts-martial, with power to inflict the death penalty summarily, are indispensable to the efficient employment of military and naval forces. In all these cases the supervening of the law's traditional delays would be the very climax of absurdity. Violence, instant and overwhelming, can alone establish justice.

The field of arbitration is necessarily limited. There are many issues that cannot be arbitrated nor even discussed if honor is to be maintained. This is true alike in the realm of public and of private law. A citizen may do well to arbitrate with his banker or with a tradesman any question involving an account, the possession of vouchers, the accuracy of computation, or the delivery of goods. Sovereign states, disputing with one another, may well submit to arbitrament questions of customs-duties or of delimitation of territory. But what man would refer to arbitrators a personal assault upon a member of his family? What nation would argue in court the cause of a rebellion by insurgents against its sovereign authority?

Compulsory arbitration is irreconcilable with the liberty of the individual and the sovereignty of the state. The fallacy inherent in such schemes is apparent in the legislation of some of our Western States regarding strikes by laborers for higher wages. A man has a clear right to sell his labor in any market for whatever price he is willing to take for it. He also has a right to relinquish any uncongenial employment at will. Legislation under which a public officer drives back a laborer to the post of toil which he has voluntarily abandoned is equivalent to the re-establishment of slavery. Similarly, in the family of coequal sovereignties, no member can be forced to submit a controversy to a forum of argument rather than rest its decision on the issue of arms.

The organization of an international tribunal is peculiarly difficult on account of the great inequality subsisting between the different nations of the earth. Of course, we are familiar with the academic maxims that all men are created free and equal, and that all sovereign states are free, independent, and equal. But these are fictions of the law. Equality here means simply equality before the law, equality in the eye of the court. Nature, however, abhors equality, and nowhere more than in distributing the power and influence of sovereign states. To be practical, let us ask, "How many judges shall the proposed international tribunal have?" and, further, "Will England, France, Germany, Russia, and Austria be content each with one judge, and cheerfully concede an equal voice in the court's decision to Portugal, Greece, Denmark, Holland, and Belgium?" The dogma of equality before the law does not mean that the poor man, ignorant and vicious, is equal, on a trial before a judge and jury, to his neighbor, who is wealthy, intelligent, and highly respected. Nor can one nation,

bankrupt, corrupt, and reactionary, hope to prevail against a competitor that is vigorous, healthy, and progressive. The equality of states is a dogma of theorists.

All the proposed plans for achieving perpetual peace through the establishment of standing tribunals of unlimited competence are failures practically. The chief difficulty is not in reaching a decision, but in enforcing judgment. Ultimately, a defaulting and recalcitrant state can be coerced only by war, which it is the professed object of such a tribunal to avoid. But the world will arm to compel obedience, we are told. The answer is that this is a poor step towards perpetual peace. Sanctions of international authority consisting of differential rates of duties on imports by which disobedience is to be punished can be dismissed as visionary and Utopian.

Finally, few men could be intrusted with the really divine function of sitting in judgment and then condemning *seriatim* the proudest and most powerful sovereigns in the world. There could be no adequate sense of responsibility. Intolerable arrogance, to use a phrase of Lord Chief Justice Russell at Saratoga two years ago, would soon characterize the members of such a court. They would be as gods. Power so vast cannot be sufficiently safeguarded.

International law, as a practical guide in the affairs of nations, has many defects. We may here notice two; namely, its lack of an authoritative exponent and the fact that it has no sufficient sanction. These are necessarily broad statements. Any two nations can of course agree in writing touching a definite subject-matter, and define their mutual obligations in unmistakable terms. So the municipal law of any sovereign body may enforce by the usual remedies an obligation existing under international law. But, in general, we may say with John Austin and his school of jurists that international law, so called, is not law at all, but only international morality. This is not to be taken as a disparaging characterization; for there is probably no one who does not recognize his amenability to what we may call the higher law, or principles of right conduct which are not within the code to which the state compels obedience.

Litigating citizens find in the paramount authority of the state the sanctioning power which enforces the judgments of courts. But a supreme tribunal of nations can have no executive arm by which to vindicate its authority and chastise disobedience. Some

find in the personality of the state and its sense of obligation to the dictates of the universal conscience a sufficient sanction resting on national self-respect. But study and reflection force us to the conclusion that the conscience of incorporated human nature, to use Mr. Spencer's phrase, is appreciably lower than that of the average constituent individual. Do great statesmen and diplomats, in whose keeping is the peace of nations, exhibit more patience and self-restraint than private individuals do under similar circumstances? A senator, who would scorn to do an unworthy act for his sole private benefit, will not hesitate to divide with the majority of the chamber the odium justly attaching to an infamous log-rolling job. The public is a *quasi*-corporation, and as such has no soul to be damned. The state's lack of complete personality with fine and delicate sentiment makes it the victim of the tax-dodger, who is often a model of private virtue, but who does not scruple to commit perjury, when necessary, if only the exaction of the revenue officer can be evaded. Nations, whose diplomacy is characterized by the extravagance of chivalry when dealing with equals or superiors, are seen to bluster and brag and play the bully when treating with weak and bankrupt states. Insincerity, jealousy, envy, arrogance, servility, and almost every low quality of mind and heart, distinguish the conduct of organized governments. It is vain, then, to look for a sufficient sanction of international law in the self-respect of individual states.

History shows how great is the field of arbitration in spite of necessary limitations. How long and how often has the possession of the Rhineland been disputed by nations in arms! And yet how simple it often is to delimit territory by peaceful means! Every part of our northern boundary has been in dispute between England and the United States, and yet peaceful negotiation and calm discussion have kept these great nations from war. The treaty of Washington in 1871 made an epoch in the history of the law of nations by submitting to arbitration all matters in dispute between England and the United States. History, traditions, aspirations, they had in common, together with language, law, and faith, presenting a unique opportunity, which, happily, was made available to advance the cause of humanity and civilization by action so momentous as to arrest and hold the attention of the world.

Can another step forward be now taken by these great Anglo-Saxon states? Can we provide by treaty, in advance of any international difference, the machinery for its peaceful settlement, not

by the clash of arms, but by the arbitrament of reason? Such a step should be encouraged as a step in the right direction. If the treaty thus proposed is a perfect work, and needs no amendment or supplementary attention, then, indeed, it will differ from all the other works of man, which are full of mistakes. We have doubtless much to learn from the experiences which are soon to follow; and the future will have problems of its own, as we have ours now. Other nations may scorn our counsel, and ridicule our propositions as Utopian; but cannot America and England now give an object-lesson to the world of Anglo-Saxon states, finding in reason a better means than war as a solvent of international problems? For they have learned much, not only from the platitudes of philosophers and in the stress of revolution, but through the slow unfolding of true civilization during several generations in the history of the English-speaking race.

3. AMERICAN MARRIAGES AND DIVORCES BEFORE CANADIAN TRIBUNALS.

BY EUGENE LAFLEUR, ESQ., OF THE MONTREAL BAR.

[Read Thursday morning, September 1.]

The intercourse between nations and their proximity to one another must inevitably give rise to conflicts of interests. Some of the controversies resulting therefrom are of a national character, involving the claims which one State may have against another State, and which are settled either by force of arms or by friendly arbitrament. You have at the present moment instances of both of these methods of dealing with international disputes in the war which has so recently come to an end and in the peaceful conference which is just beginning its sittings in Quebec. But side by side with these larger questions of public interest there are numerous and important private controversies resulting from the neighborhood and intercourse of nations. The rights and obligations of individual citizens of adjacent States cannot but be affected by the differences between the laws and institutions of these States. Fortunately, the adjustment of these private controversies is invariably effected by peaceable means. It is the courts of the country where the dispute arises which determine the question at issue; and, in so doing, they apply a body of rules which are generally known as Private International Law in contradistinction to the rules of Public International Law, which regulate controversies between nation and nation. The scope of Private International Law is, of course, coextensive with the whole *corpus juris*; that is to say, there may be conflicts between the laws of different countries on some portion at least of every branch of the civil law. I purpose, in response to the invitation with which you have honored me, to examine very briefly indeed a few of the most striking examples of the application of these rules by the tribunals of Canada to an important branch of the civil law,— marriage and divorce,— in so far as the decisions of Canadian courts illustrate the conflicts between your laws and ours upon this subject. You

will readily understand what opportunities for legal complications are afforded by the fact that each one of the States of your Union has legislative powers of its own as to marriage and divorce. The marriage knot is tied in different ways, and untied for different reasons, and with varying degrees of celerity and completeness. Then the effects of marriage on the person and property of the consorts also differ in many respects. The law of most of your States on the subject is of course derived from the common law of England, but supervening legislation has profoundly modified the rôles of the consorts in the conjugal union. The popular statement of the old common law doctrine that "in law a husband and wife are one person, and the husband is that person," would be very far from representing the actual condition of the law in any of your States; but the emancipation of the wife from the power of her husband is more or less complete in different States. Again, in Louisiana, you will find the matrimonial status to be principally based on the old law of France, while here and there the Spanish law has also left its mark. Turning now to the Dominion of Canada, we are presented with a somewhat similar condition of things; for, although by our constitution the subject of marriage and divorce (excepting the celebration of the marriage) is assigned to the exclusive legislative jurisdiction of the Dominion Parliament, that body has up to the present time passed no legislation on the subject, with the exception of a deceased wife's sister's bill, so that each province retains, in all other respects, its own law as it existed at the time of Confederation, and also possesses exclusive legislative powers as to the form of celebrating marriages. In the Province of Quebec we find the old French law almost intact as it existed at the time of the cession of Canada to Great Britain; and, unless expressly excluded by marriage covenants, community of property will result from the union, and the husband will, as the head of the community, exercise very wide powers of disposal over such property. Again, by that law, the wife is still under a kind of tutelage, requiring the authority of her husband (or of the court on his refusal) in order to dispose of her own private property. In the other provinces of Canada the substratum of the matrimonial law is English, and has likewise been modified by legislation in the same direction as your law, but not everywhere to the same extent.

In regard to divorce the condition of the law in the Dominion of Canada is somewhat anomalous. The Federal Parliament has not

yet exercised its undoubted power of legislation upon the subject; and, consequently, each province remains in the position in which it was at the time of the passing of the British North America Act in 1867. In Ontario, Quebec, Manitoba, and the North-west Territories no divorce courts exist; and divorces are obtainable only by special private acts of the Parliament of Canada. In Nova Scotia, New Brunswick, and Prince Edward Island the statutes which were in force at the time of the Union, and which have never been repealed, conferred upon certain special courts the power of pronouncing decrees of divorce; while in British Columbia similar powers have been assumed under an ordinance passed by the legislature of that province in 1867, but grave doubts have been expressed as to the validity of decrees pronounced by the courts under that authority.

In view of this great diversity of legislation in your various States, and in our several provinces, and of the constant and ever-increasing intercourse between the two countries, it is not surprising that complications should be frequent and often embarrassing.

Before entering into a brief examination of the leading cases which illustrate these difficulties, let me remind you of the guiding principles which are followed by our tribunals in determining controversies of this kind. The fundamental principle of Private International Law, as understood in Canada, is that Canadian courts will recognize and enforce rights duly acquired under the law of a foreign country. In other words, the science is based upon the extra-territorial recognition of rights. I need not dwell upon the necessity and justice of this cardinal rule. When a marriage has been contracted in one of your States between persons domiciled there, it would obviously be unfair in the highest degree to test the validity of such marriage, or the incidental effects thereof upon the person or the property of the consorts, by reference to the law of any one of our provinces in which the controversy might acci dentally arise. For instance, if litigation should take place in Quebec involving the proprietary rights of consorts married and domiciled in New York, it would be manifestly unjust to regard their marriage as the legal equivalent of a Quebec marriage, carrying with it community of property and the control of the husband over the wife's share. Accordingly, in such cases, our courts will invariably apply the foreign law under which the legal relation arose, and enforce the rights acquired and the obligations contracted under that system. And this recognition by our courts is

entirely unaffected by the question as to whether your courts would under similar circumstances recognize the applicability of our law. It is not based on any supposed comity between the two nations, but is accorded as a matter of right, upon the theory that justice could not otherwise be done to the parties.

There is, however, a well-recognized exception to this general rule. Our courts will not recognize or enforce a foreign law or custom, when it conflicts with our public policy. We shall have occasion to discuss the application of this exception in regard to both marriage and divorce.

With these preliminary observations, let me now invite your attention to some of the cases which illustrate the application of the general rules I have endeavored to explain.

The first question which naturally presents itself in regard to marriages celebrated in a foreign country is as to their formal validity. Many forms prevail in the various States of your Union and in the provinces of our Dominion. In some places the marriage may be celebrated by a justice of the peace, a registrar, or a judge, in others the ceremony can only take place before a priest or other minister of religion. Again, in some districts, the intervention of a civil or religious functionary does not appear to be indispensable to the constitution of a valid marriage; and in the less civilized portions of your country, as well as of our Dominion, the unceremonious unions between white men and savage women would seem to require nothing more than the propitiation of the bride's parents with presents of money or merchandise.

The rule which is almost universally adopted, and which is followed by our courts, is that, if the marriage is valid by the law of the place of celebration, it is valid everywhere, and that, if it does not comply with the requirements of the local form, it is not valid.

The first part of the rule is illustrated by the *Languedoc* case,* decided by the Court of Appeal of Lower Canada (now the Province of Quebec) in 1858. The consorts were both domiciled in Lower Canada, and the bride was a minor. Without consulting her guardian, the young lady ran away with her intended; and the pair went to Champlain, N.Y., where they were united in marriage before a justice of the peace. They subsequently returned to their domicile, and about a month later were again united in marriage, but this time by the priest of their parish. In the litigation which arose the question to be decided was as to which of these

*8 Lower Canada Reports, 257.

two marriages should prevail; and the importance of deciding this question arose from the fact that the first marriage had not been preceded by marriage covenants, while the second had. The validity of the runaway marriage could undoubtedly have been impeached by the guardian whose authority had been disregarded by his ward; but, as the guardian supported instead of attacking that marriage, nothing turned upon the young lady's minority. The only question was as to the formal validity of the marriage celebrated in Champlain before a justice of the peace. The consorts were both Roman Catholic; and, if the marriage had been celebrated in Lower Canada, it could undoubtedly not have been performed by a justice of the peace, the proper officer being the priest of the parish. But it was very properly held that the marriage, having been validly celebrated according to the law of New York, should be deemed good in Canada.

The next case to which I shall refer carries us back to the days of slavery, and it illustrates the converse principle that a marriage which is not binding at the place of celebration will not be recognized by our courts.*

John Harris was a slave in Richmond, Va., and in 1825 was married to Sarah Hollaway, also a slave. The ceremony was performed by a Baptist minister, in the same way as an ordinary marriage, except that no license had been obtained. The evidence showed that by the law of Virginia at that time slaves were incapable of entering into the civil contract of marriage. A license was essential to legal matrimony, and no license could be issued to a slave. It was further testified that the so-called marriages of slaves, and the children of such marriages, were not recognized by the law of Virginia, and in no manner affected the relations of master and slave. Harris escaped in 1832 to New York, changed his name to George Johnstone, and married another woman in that city. In 1834 he went to Toronto, where he died, after having acquired real estate there, under his assumed name. Sarah, his first wife, never escaped from slavery, having died in Richmond before the fall of that city. It would appear that she also contracted a second marriage in Richmond after the escape of John Harris.

Upon the death of this much-married pair, their eldest son set up a claim to the Canadian land, as heir-at-law to his parents; and the question of the validity of the slave marriage in Richmond was

* Harris *v.* Cooper, 31 Upper Canada Q. B. Rep. 182.

distinctly raised in the suit which he brought in ejectment against the holders. In support of that marriage it was urged that the consorts had done all that was in their power in the country of their marriage to make it a valid one, and that our courts should not recognize incapacity to marry on the ground of slavery, which was contrary to the public policy of a British colony. Notwithstanding these considerations the Upper Canadian judges held that the validity of the marriage must be tested by the law of Virginia, where it was celebrated, and that under that law there was no marriage and no legitimate issue. You will observe that in reality there was something more than a mere question of form at issue in this case; for apart from the absence of a marriage license, which was required to make the union valid as to its form, there was a radical impossibility of celebrating a legal marriage in Virginia between the parties on account of their condition as slaves. In fact, the license was not obtainable by them simply because they were slaves and had no capacity to contract a legal marriage.

Looking at the case from this point of view, it may be doubted whether the Canadian court by admitting a want of capacity resulting solely from the institution of slavery did not, in fact, recognize and give effect to a status which was then, as it is now, repugnant to the public policy of the British Empire. There is, however, another way of looking at the question which may justify the courts in declining to admit the validity of slave marriages. In order that a marriage should be entitled to recognition as such, it must possess the essential characteristics of the marriage known to our law: it must involve the ideas of a permanency and exclusiveness. Now the marriages among slaves in Virginia and other Southern States do not appear to have possessed these characteristics. They were contracted with the knowledge that they could be dissolved at the will of the master of either of the spouses; and the ordinary relations between the consorts, such as the obligation of the wife to follow her husband and to reside with him, were, of course, incompatible with the position of master and slave. Accordingly, it does not seem unreasonable to say that these unions were not according to the understanding of the parties themselves, any more than by the custom and law of the land, regarded as marriages in our sense of the word. And in the present case, as in many others, the consorts were no sooner separated *de facto* than they proceeded to contract fresh matrimonial ties.

The same difficulty lies in the way of recognizing the so-called "Indian marriages," contracted in some part of your Western Territories and of our own North-west. Our earlier jurisprudence shows a tendency to regard these unions as equivalent to legal marriages when they are celebrated according to the customs of the tribe, in a place where there are no ministers of religion or officers of civil status. But, as in the case of slave marriages, there is more than a mere matter of form involved here; and it is really the substantive validity of these so-called marriages which is in question. For among most of these Indian tribes polygamy prevailed, and the husband exercised the right of repudiation at will. And as the plurality of wives, and the right to dissolve the union at the will of the consorts, or one of them, are entirely inconsistent with our ideas of marriage, our judges are constrained to look upon these unions as being wholly different from the relation which we call marriage.

Passing now to the effect of the marriage on the property of the consorts, there is of course no difficulty when they have settled their rights by marriage covenants. The express contract thus entered into will govern the rights of Americans, not only in their own country, but whenever they cross our border. If there be no express contract, the principle is well settled with us that the consorts are deemed to have adopted the law of their matrimonial domicile for the regulation of their property rights; and this tacit contract will remain in force throughout all subsequent changes of domicile. Thus our courts have frequently held that persons whose domicile at the time of their marriage was in New York or in Vermont, and who had executed no marriage covenants, remained separate as to property under the laws of those States, even after their permanent removal to the Province of Quebec, no community of property resulting from their change of domicile. And even real estate acquired after this change would be held separately, and would not fall into community. Our courts thus give the fullest force and effect to the matrimonial régime once fully established under a foreign system, and do not allow the tacit contract, any more than an express agreement, to be affected by any change of domicile; for that would be giving one of the consorts the power to change the marriage contract and refusing it to the other, the wife's domicile being that of her husband, and any change of that domicile being controlled by him. In this, I am aware, the view taken by our courts differs from that which has obtained currency in the

United States. Your courts and your leading writers appear to hold that a change of domicile implies an intention to submit as to future acquisitions to the law of the new domicile. So that, in the case above mentioned of domiciled New Yorkers removing permanently to the Province of Quebec, we should be led to the curious paradox that the courts of Quebec would regard them as being separated as to property under the laws of New York, their former domicile, while at the very same time the courts of New York would consider them as being common as to property under the laws of their new domicile. And the amusing irony of the situation would be that, by going from a State where the legal emancipation of a married woman is all but complete to a province which still retains the old ideas of marital authority, the lady would actually be more free from her husband's control in Quebec than in New York in regard to all the property acquired after the change of domicile.

An interesting case has recently presented itself before the courts of Quebec.* The consorts were married in Vermont, where they were domiciled at the time and for many years afterward. They subsequently removed their domicile to the Province of Quebec, where the husband amassed a considerable fortune in business. Up to the time of their change of domicile the consorts possessed no property of any account. After they had come to Canada, the husband made considerable gifts to his wife, buying real estate in her name and paying her from time to time considerable sums of money. These donations would have been perfectly good by the law of Vermont; but they were challenged as being invalid under the law of Quebec, which prevents husband and wife from conferring benefits upon each other after the marriage and during their lifetime except by way of insurance. This strict prohibition existed in the Roman law, and was intended to preserve the purity and disinterested character of the marriage tie by preventing one consort from acquiring the property of the other by the abuse of authority or of conjugal affection. It was preserved in the old French law, partly, it would seem, from the same motive, and partly also because of the desire to prevent the possessions of one spouse from passing into another family by marriage.

However that may be, the disability still exists in Quebec, where no post-nuptial arrangements or gifts are allowed. The Superior Court held that the consorts had preserved their matrimonial

* Eddy *v.* Eddy, 4 Revue de Jurisprudence, 78.

status under the laws of Vermont after their change of domicile, that the capacity of benefiting each other during the marriage had been carried by the consorts into Quebec, and that the gifts there made were good and valid. The reason to doubt this solution is that, while it is perfectly true that the matrimonial covenants, tacit or express, persist, notwithstanding a change of domicile, the ability or inability to benefit each other during marriage does not seem to be a matter of contract. In Vermont it would probably be illegal for them to restrict by contract their future capacity in that regard, while in Quebec it would certainly be impossible for the spouses to contract themselves out of a disability created by a positive law of that kind. It would rather appear to be a question of personal capacity which ought to be affected by a change of domicile. However, the case is now pending before the Privy Council; and an authoritative solution of this difficult question may be expected in the near future.

If we now turn to the question of divorce, we are met at the threshold with a more serious difficulty than any of those which we have been hitherto considering. For, as regards marriage, while its form and its incidents may differ here and there, the institution is known to the law of both countries. In the case of divorce, on the contrary, we have already seen that the laws of several of our provinces do not provide for its being granted by the courts, marriage, once properly contracted, being indissoluble during the lifetime of the consorts. I have said "once properly contracted," because there are, of course, remedies against unions contracted by fraud, duress, mistake, and so forth; but these are proceedings for declaring the nullity of a contract which has never been validly formed, not for dissolving ties duly contracted for causes subsequently arising.

There are, also, in most of our provinces, means of relaxing without dissolving the matrimonial tie by separation from bed and board. But the question has been seriously raised in the Provinces of Quebec and Ontario, where judicial divorces are unknown, whether our courts should recognize foreign divorces at all; inasmuch as the dissolution of the marriage tie was supposed to be against the public policy of our law. This view, however, has not prevailed, the Supreme Court of Canada having decided in a leading case that the courts of Quebec should recognize the validity and operation in that province of a divorce validly obtained from the Supreme Court of New York.* The grounds of

* Stevens *v.* Fisk, 8 Legal News, 46.

this decision appear to be unassailable; for, while it is true that the courts of Quebec have no power to pronounce decrees of divorce, the Parliament of the Dominion of Canada has the power to establish divorce courts in any of the United Provinces, and, although that Parliament has thus far enacted no general divorce law, private legislation is passed at almost every one of its sessions for the relief of consorts in special cases, such private acts having all the effects of judicial divorces. Accordingly, as divorce is, theoretically at least, not unknown to the law of the provinces which do not possess divorce courts, it can hardly be said to be against their public policy. The same objection was made in England to the recognition of the effect of foreign divorces, when the remedy was administered by Parliament in the form of an act, and not by a judicial decree; but Lord Westbury in a leading case justly observed that this parliamentary procedure was in spirit a judicial, though in form a legislative, act. The justice of divorce was consequently recognized, and it could not properly be said that divorce was contrary to the principles and institutions of the country.* We may therefore regard it as a settled doctrine that your divorces, when pronounced by a court of competent jurisdiction, will be given by the courts their full force and effect, even in the non-divorcing provinces of Canada. But, curiously enough, while our courts recognize the operation of foreign decrees of divorce, the Parliament of Canada, acting in its *quasi*-judicial capacity, refuses to give any extra-territorial effect to such judgments. The whole question was fully considered in the Ash case which arose in 1887,† in which the respondent relied on a Massachusetts divorce to repel the charge of bigamy made by the petitioner. The opponents of the bill urged that, as a matter of international comity, Parliament was bound to give effect to the decrees of a foreign court; but in both the Senate and the House of Commons the principle was established that there was no such obligation imposed on Parliament, as there is upon an ordinary legal tribunal, to recognize the binding effect of the judgments of foreign courts.

That there is no absolute obligation of this kind is, I think, indisputable; but one may respectfully question the consistency of that body in giving effect to some rights acquired under foreign law and refusing recognition to others. In assuming to pass divorce bills according to judicial forms, Parliament recognizes

* Shaw *v.* Gould, L. R. 3 H. L. 84. † Senate Debates, 1887, p. 224.

the extra-territorial effect of marriages celebrated abroad. Why, it may fairly be asked, should it refuse to consider the rights acquired by the consorts under foreign divorces? If the "comity of nations" is to be respected in regard to the former set of rights and obligations, why not in regard to the latter?

Leaving, however, the regions of legislative omnipotence, and reverting to the sphere of judicial competency, let us briefly examine the conditions under which Canadian tribunals are bound to give effect to American divorces. It will not surprise you to be told that our courts are compelled to discriminate between the products of your judicial mill, although they may all bear the same name and label. In some places overproduction has had the usual effect of lessening the value of the commodity, and the quality of the article is often so poor as to make it unfit for exportation. We may, therefore, at once dismiss from our consideration, as not being entitled to international recognition, all those sham decrees which are obtained by a species of imposition upon your own courts,— judgments recovered *ex parte* upon false affidavits, or without any effective notice to the adverse party, or those obtained by collusive agreements between the litigants. For instance, in a criminal case decided in New Brunswick in 1877,* the defendant had been convicted of bigamy. His defence was that he had been divorced from his first wife before his second marriage, and in support of this contention he gave in evidence a certified copy of a judgment of the Circuit Court in Wisconsin purporting to divorce the consorts from the bonds of matrimony. It was proved on the part of the crown that this judgment had been obtained by a false affidavit, that the accused was at the time of the divorce suit, and had been for a year preceding, a resident in the State of Wisconsin, when in fact he was during that whole time a resident of the Province of New Brunswick. Under these circumstances the Superior Court of that province treated the Wisconsin divorce as a nullity, and affirmed the conviction. Again, in the Magurn case,† decided by the Court of Appeals of Ontario in 1885, the husband, who was sued for alimony, relied upon a divorce granted by the Circuit Court of St. Louis County, Missouri, and based upon the alleged desertion of the wife, who had made no defence to the proceedings. The Ontario court found that the separation which gave color to the complaint had been suggested and directed by the husband. He had really planned the scheme

* Regina *v.* Wright, 17 New Brunswick Rep. 363. † 11 Ontario Appeal Reports, 178.

of the wife's residence apart from him, and it was only by a subversion of the facts that he had been able to procure a judgment against her as the offending party. The court accordingly held that the decree, having been obtained on an untrue statement of the facts, could not be set up as a bar to the wife's claim for alimony.

Leaving aside that class of cases in which the proceedings are tainted with fraud or gross injustice, we have now to inquire how far Canadian courts are bound to recognize foreign decrees of divorce pronounced in serious proceedings honestly conducted.

The first and most important requisite is, of course, that the court which rendered the judgment should have jurisdiction. And by this is meant that such court should be competent, not merely by the laws of its own State, but that it should be competent from an international point of view. No State can allow the civil status of its citizens to be abrogated or modified by the courts of another State by the arbitrary and unreasonable assumption of jurisdiction over such citizens. It is, of course, possible for a State to assume jurisdiction over foreigners upon any grounds which its legislature may choose to enact; but, whatever local effect such enactments might have, they could not lay any claim to extra-territorial operation unless they were framed in accordance with principles of international law. For instance, while under Mormon control, the legislature of Utah authorized its courts to take jurisdiction in divorce cases whenever the applicant was or wished to become a resident of Utah. As Mr. Bishop remarks,* a large number of persons thereupon became desirous of residing in Utah; and the divorce industry prospered there for a while. But these divorces were, of course, entirely disregarded beyond the limits of Utah.

The rule which has been laid down by our highest appellate tribunal (the Judicial Committee of the Privy Council) is that the only true test of jurisdiction to decree a divorce, according to international law, is the domicile for the time being of the married pair; that, where the jurisdiction is exercised in accordance with that principle, the decree ought to be respected by the tribunals of every civilized country, but, where it is derived solely from some rule of the municipal law of the particular country, it cannot claim extra-territorial authority if it trenches upon the interests of any other country to whose tribunals the spouses are amenable.†

* Marriage and Divorce, vol. 2, § 144.

† Le Mesurier *v.* Le Mesurier, Appeal Cases 1895, p. 517.

This is, substantially, the doctrines of your courts, except that they carry it a little further by allowing the proceedings to be taken either in the domicile of the husband or in that of the wife, when, in fact, the consorts are living apart. In other words, the fiction that the wife's domicile is that of her husband is not allowed to prevail over the real facts, whenever the question at issue is whether the relation which usually justifies the assumption of a common domicile — *i.e.*, the marriage — should be dissolved.

In an important case which passed successively through the Superior Court of the Province of Quebec, the Court of Appeal of that province, and the Supreme Court of Canada,* a number of our judges appear to have regarded with approval the American doctrine which allows a wife to have a separate domicile for the purpose of divorce.

The consorts were married in New York, and were domiciled there at the time and for about eighteen months after the marriage. They then removed to Montreal, where the husband established himself permanently in business. The wife did not stay there for more than a year, but after that time resided alternately in Paris and in New York. While in the latter place, she instituted proceedings for divorce on the ground of her husband's adultery. He was personally served with the citation in Montreal, and appeared by attorney, but made no defence. A decree of divorce was pronounced by the New York Supreme Court against the husband in favor of the wife, and in subsequent proceedings which she took against him in Montreal the divorce was impeached on the ground that the New York court had no jurisdiction, the husband being at the time of the proceedings domiciled in Montreal. The validity of the divorce was sustained by a majority of the judges; but in view of the great diversity of opinion among them, and of the more recent pronouncement of the Privy Council in the case just referred to, it cannot be said that the American doctrine which allows the wife to have a separate forensic domicile for divorce has yet found a firm foothold in Canada.

Whenever your courts have jurisdiction in proceedings properly commenced before them, they will retain that jurisdiction, notwithstanding any attempts on the part of a defendant to withdraw himself from their operation by removing to Canada. In a case which arose in Ontario † the controversy was concerning the custody of a

* Stevens *v.* Fisk, 5 Legal News, 79; 6 Legal News, 329; 8 Legal News, 42, 53; Cassils' Digest, 235.

† *In re* Ethel Davis, 25 Ontario Reports, 579.

child. The parents had been married in Ontario, where the child was born; but they afterward settled in Buffalo, the husband having gone into business there, and taken the oath of allegiance to the United States. Subsequently the wife took proceedings for divorce in the Superior Court at Buffalo on the ground of adultery, and obtained a decree dissolving the marriage and awarding her the custody of the child. Shortly before this judgment was pronounced, the husband left Buffalo, taking the infant with him, and went to the Province of Ontario, where he attempted to resist the effect of the decree, urging, among other reasons, that, when it was pronounced, he and the child were not within the jurisdiction of the Buffalo court. But the Ontario court refused to admit that the jurisdiction had been taken away by the departure of the defendant from the country with the apparent object of escaping the consequences of the impending judgment.

A review of the differences between the laws and institutions of neighboring countries, and of the complications and conflicts resulting therefrom, inevitably invites our attention to the best way of remedying the injustice which must sometimes occur in spite of all the efforts of our tribunals. On no branch of the civil law is unification more desirable than that of marriage and divorce. The whole fabric of our social life is profoundly affected by the uncertainty which may be thrown upon the validity of marriage or of divorce. And the worst feature of this uncertainty is that the innocent may often be punished along with the guilty or careless. The consequences of an irregular matrimonial status are felt not only by the contracting parties themselves, but by their descendants, their creditors, or those taking title from them. While it may be necessary, though often at variance with the facts, to apply the legal fiction that a person is presumed to know the laws of his own country, it would be unreasonable to expect familiarity with the varying systems of thirty or forty different States, or an approximate knowledge of the authority which the decrees of each State would carry beyond its territorial limits.

It is gratifying to see that at the meeting of the State boards of commissioners for promoting uniformity of legislation in the United States recently held in this very city, at which thirty-two States were represented, the chief business of the Conference consisted in the discussion of a proposed uniform bill of divorce, which would, if adopted by the legislatures of the several States, do away with the principal evils of the present system of diver-

sity. The aim of this legislation, as I understand it, is to secure the adoption of such divorce laws in each State as would insure the interstate recognition of its decrees. And, as the rules regulating this interstate recognition are substantially the same as the rules of international law applied by our courts, it seems certain that conflicts of jurisdiction as to divorce would thus become exceedingly rare, and that the intolerable evil of people being considered as married on one side of the line and unmarried on the other would tend to disappear.

At first sight it might seem as if the process of unification could take place more easily in Canada than in the United States, since with us marriage and divorce are subjects for Dominion legislation, whereas in your case uniformity can be attained only by the concurrent action of all the different State legislatures. But the practical difficulties appear to be as serious with us as with you. Efforts were made in 1870, 1875, 1879, and 1888 to introduce legislation on the subject of divorce, but without success. Parliamentary leaders have generally opposed the creation of a divorce court on the alleged ground that the number of applications would greatly increase, and they have expressed a preference for the legislative system which offers considerable impediments to the granting of divorces. Then a large proportion of the Canadian legislators, being Roman Catholics, are opposed on religious grounds to dissolving the marriage tie for any cause whatsoever. As it is, the members professing the Roman Catholic religion habitually abstain from voting on divorce bills, only a few adverse votes being recorded, so that it may appear that the measure was passed on a division. But these legislators would undoubtedly make a serious opposition to any general legislation upon the subject of divorce, as this would open the divorce courts to their coreligionists. The only private divorce bill which was ever introduced to dissolve the marriage of two Roman Catholics met with the most strenuous opposition in both houses, and was ultimately passed by a very narrow majority.

Assuming, however, that a reasonable degree of internal uniformity may be obtained in both countries by legislative action, it is possible to reduce still further the conflicts which may even then arise between our respective systems of law. This could be effected by means of international treaties regulating questions of conflict. France, Switzerland, Italy, Germany, Spain, and Belgium, all furnish us with examples of conventions with neighboring States

for the settlement of conflicts of law or jurisdiction; and it is surprising that, in spite of the incessant intercourse between the United States and Canada, no attempt should have been made to imitate this good example. Let me close by expressing the hope that this subject may occupy the attention of our respective commissioners in some future international conferences following upon that which has so auspiciously begun in Quebec for the furtherance of lasting peace and amity between the two nations.

4. OBLIGATIONS OF THE STATE TO PUBLIC EDUCATION.

BY HON. CHARLES BULKLEY HUBBELL, A.M., OF NEW YORK CITY.

[Read Thursday morning, September 1.]

I am not certain but that what I have to say on this occasion might have been presented more appropriately, and perhaps more acceptably, if it had been included among the papers read in the educational division of this Association; but the thought that I might enlist the sympathy of my brethren of the law in the cause for which I plead is my excuse for invading the field of jurisprudence at this time.

The concern of the State hitherto in connection with the education of its youth has proceeded from and related to varying interests. First, it was the establishment of ecclesiastical supremacy and the benefits which were believed to accompany it. This primary object was superseded by political and dynastic influences, having for their object the perpetuation of parties or persons in power. France, Sweden, and some other foreign countries, with distinguishing arts and manufactures, have made industrial development their chief concern in connection with public education.

From the earliest days, when the little red school-houses dotted the hills of New England, and extended like a cordon of fortresses to the boundaries of the Carolinas, where they were maintained for the purpose of preventing any permanent occupation by the hordes of ignorance, the principal object of public education in free America has been to make men and good Americans of its native and foreign born youth, and fit them to discharge the duties and to respond to the obligations of intelligent citizenship. In other words, the chief concern of the State with us in public education is, and has been heretofore, social in its character. In no other way can a republic be perpetuated, and its free institutions successfully maintained. In order to realize all that is required from the benefits of public education, it is most essential that the State should realize its obligation to the youth who will one day

be its upholders. This it has done, and is doing most generously and nobly in this country; and it is a matter of pride to those who hail from the Empire State to recall that nowhere has that policy been more generous and progressive than in our own great Commonwealth.

De Witt Clinton said, in his inaugural address, "In the dissemination of intelligence and in the extension of the benefits of education there can be no such thing as prodigality in the expenditure of the public treasure." Millions of dollars are cheerfully expended by the people every year in providing free education for all those who are capable of receiving its benefits.

During the first years that followed the settlement of this country, the importance of the development of *character* in the children of the community through the influence and methods of the schools was ever present in the minds of our Puritan Fathers, as the first requisite of the best education. The schoolmaster was frequently the village minister, ripe in scholarship, athletic and vigorous in body, by reason of the outdoor life made necessary by the conditions under which he lived. He realized that a sound mind in a sound body, and both under the undisputed sway of a stalwart character, was the condition that must prevail if the best results of education were to be achieved.

The war of the Revolution closed some of the colleges and many of the schools. "The schoolmaster was abroad" with a musket, and the young idea was compelled to shoot in the air for a considerable period. Soon after that glorious struggle the condition of unrest incident to success in revolution took possession of the people. This was followed later by the era of development of our vast areas, when those great waves of immigration washed in upon us from the shores of Europe. Thoughtful men realized that the only way to absorb and Americanize such vast, and in some cases doubtful, contributions to our population was by means of common-school education, which should be free to all. We must make these people intelligent, they said; for freedom with ignorance soon degenerates into license, and license has no regards for the rights of others. Under such conditions, anarchy develops, and republics disappear. How well our free schools have done their work, you all know. That it has been far from a perfect work, you likewise know; but the marvel is that it has been done so well.

In some of our cities there are public schools in which, at the

opening of the year, 90 per cent. of all in attendance are the children of foreign-born parents, with no knowledge of our institutions or the conditions that are necessary for their maintenance. In some instances, 70 per cent. of the children coming into our schools for the first time, do not even speak the English language, although it has been observed that these children, when carefully taught, speak better English than many of the children brought up in English-speaking families, where little or no care is given to forms of expression. Yet so sensitive is this period of youth to the lessons that are taught, and so responsive are these youth to the influences that are brought to bear, that it requires little more than a year to teach every ten-year-old boy and girl to reverence the flag that is unfurled every morning in their presence, when they pledge allegiance to the country so recently adopted as their own. When that pledg of allegiance is understood, the first lesson in good citizenship has been learned, and when the duties of citizenship are understood, with the accompanying rights and obligations, the great object of education with us has been achieved. The mistake often made with us is that the first object of education is made purely commercial, and not social in its development. Oftentimes the parent, in his haste to see his child equipped so that he can make a living, loses sight of the danger that lurks in a system of education not concerned with the development of the body and the character.

Persons high in authority even insist that the A, B, C's, are all that the State should concern itself with in its relation to the schools, that the kindergarten serves no better purpose than to make children expert in tiddledy-winks, assert that physical culture only serves the ends of pugilism, and that the daily inspection of children with reference to contagious diseases in our schools is an invasion of the line of parental duties. As a matter of fact, it has been found that in one large Western city, where ten years ago there were over one thousand arrests of youthful delinquents under the age of eleven years in a single year, six years after the introduction of the kindergarten system in the public schools of that city, there were only three such arrests in a similar period, and one of these juvenile victims of the law was found to be innocent of the charge that brought him into court. It has been demonstrated that physical culture in our schools is widening the chests, increasing the stature, and making healthier and sounder men and women of thousands of our American youth.

One of the board of physicians appointed by me last year examined over eighty applicants for teachers' positions in our public schools, without finding one who was not physically sound. It was found during the first year in which daily inspection of public school children, by experts, in the city of New York was maintained that there were hundreds of cases of contagious diseases, including scarlet fever, diphtheria, and contagious eye and skin diseases among those assembled in the school-rooms. Suspects were immediately taken from school and sent to their homes, where they were promptly quarantined, or, if the conditions made it necessary, were sent to some institution where they were given proper care, and the spread of disease prevented. The records of the Health Board of the city of New York disclose that there was a reduction of 20 per cent. in the death-rate during that year. The State had recognized an obligation to do something in the schools besides provide a full line of A, B, C's, for the children.

The world has come to regard systems for the reformation of the delinquents and degenerates of society with little faith, and to turn with great hopefulness to the new education that will take the child at three or four years of age in the kindergarten, where by its methods even the blasting tendencies of heredity and the withering influences of environment can be overcome. *Formation*, and not reformation, is the hope of society.

What benefit can accrue to the State if the result of its public education is only "to change a stupid rascal to a clever knave"? Now that the resources of the country have been developed in every direction, and even science has halted for a breathing-spell, we are beginning to give heed to the Greek philosopher, as he still continues to speak to us in that famous injunction that has been handed down from generation to generation, — "Man, know *thyself*." Hundreds of our brightest men and women have for the past five years been devoting themselves to this study, both in the department of physiology and psychology, though both are closely related in these investigations, and we are beginning to understand what can be done to improve the race by means that can be availed of in the education of children. This knowledge has brought with it new obligations on the part of the State to avail of the best methods that the expert, sagacious educator recommends. It has also created prejudices in the minds of many unthinking people, who would limit common-school instruction to teaching the elementary studies in the old-fashioned way. It will

be recalled that vaccination was opposed by many, and not always by ignorant people, although, partly by means of its general adoption, a great plague has been swept from the face of the earth.

I confidently believe that the benefits of the new methods in sight, in the education of young children, in ten years will be found to have been as important to the development of a better race of men and women as any discoveries in the scientific world have been during the last decade to the cause of science.

Twenty-six years ago the so-called Foster Act, making the attendance of all children between six and fourteen years of age at school compulsory, became operative in England.

Some of the States of the Union had already made compulsory education for all children between the ages stated, and I believe that at the present time all of the States have provisions on their statute books of a similar nature. When the State says to the parent, I will take the custody of your children for five or six hours a day for eight years, whether you will or no (unless education is otherwise provided by the parent in ways approved by the State), has it not assumed a new and larger obligation in reference to such children? Is it not quite as important that the health and physical condition of the child should be looked after with quite as much zeal as the development of its mind? We are beginning to find out in New York City that there are many, I dare not say how many, children in our public schools, who, through defective vision, hearing, incipient disease, or disability of various kinds, have been considered stupid and abnormal. In many instances, discouraged by reason of the irksomeness of school life under such circumstances, they naturally have dropped out of the schools only to walk in paths of ignorance that so often lead to the broader roads of vice and crime. It is the experience of many of our school-teachers that in their classes there are one or more dullards or degenerates under their charge whose presence retards or demoralizes the normal children of the class.

I would plead for the recognition of a new obligation on the part of the State, that will provide expert inspection for every child whose custody it demands. This inspection, in my opinion, should relate to physical disability of every kind; and, when a defect is discovered, the parent, often ignorant of the peril of the child, should be notified of its condition, and, if necessary, informed of the institution where treatment may be had free, if the parent is unable to pay. I plead for the recognition by the State of all

dullards and degenerates in the public schools, and for the establishment of special grades for their instruction. The benefits will be twofold: the abnormal child will receive the special instruction that its unfortunate condition demands, whereas the normal child, untrammelled by the presence of its unhappy associate, may go on in its studies, unobstructed by the deterrent influences so often observed.

I am also of the opinion that the deaf and dumb in every community should be instructed at public expense, and in the articulate methods that have done so much to minimize the calamity that falls upon those born without speech and hearing.

I have frequently seen children in our New York schools with one shoulder a little higher than the other, standing in a manner that would indicate the beginning of a spinal disorder, others whose breathing and attitude in reading, together with the betrayal of symptoms in the voice, plainly show that, if surgical or mechanical interference is not resorted to, permanent deformity in the one case and pulmonary defects in the other will almost surely follow.

The limitations sometimes observed in connection with the work of our teachers are often caused by physical disability sufficiently enervating to make the best-sustained work impossible; and I therefore believe that the State should not only require careful physical examination by its own experts of all teachers before they are licensed to teach in our public schools, but I likewise think that the State should insist upon a more thorough examination of every candidate for free instruction in its normal colleges and training schools, where such candidate expects to teach in our public schools. In that way the State will secure a more vigorous body of men and women for work in its department of public instruction, and correspondingly better results.

The United States government will not permit any cadet to begin the work of preparation for service in the army or navy at West Point or Annapolis until he has first passed a most thorough physical examination.

If the State will generally respond to these obligations that I believe are now properly imposed upon it, may we not confidently look for a better, stronger, and more useful body of men and women in every community?

I would that more of our practical, thoughtful, educated men would ally themselves with the work and maintenance of our public schools. The work is a holy one. The responsibility as

one comes in contact with thousands of young, hungry, impressionable minds is tremendous, and the opportunity for usefulness to the man willing to make some sacrifice for the public good is without limit. The great hope of the betterment of the human race lies in the improvement of methods of educating and developing young children and in the perfecting of the character of the teachers who come in contact with these young minds. The impress of a noble, sweet character upon the average child is more lasting and useful than any limited mental training possible, however skilfully conducted, ever can be. The kindergarten, manual training, vacation and recreation schools in summer in large cities, special training for the dullard and degenerates, together with daily physical inspection of children in our public schools, will surely reduce the numbers of inmates in hospitals, prisons, and jails, lower the death-rate among children, and advance the average limit of human life, where regard is given to these things.

There is an obligation on the part of the State to adopt every method that will tend to that result. Every reason of State economy justifies whatever expense may be necessary to that end. Every youth tendered to society by the State when the common-school education is ended, providing that youth is equipped with a sound character, body, and mind, has a definite value to the commonwealth; and, if, by the influences thus furnished by the State, a child, whose tendencies, by reason of heredity, environment, or both, can be rescued from the battalions so often recruited for the exploits of vice, does not the state so far forth make her perpetuation in purity, through the lives of her citizens, more certain?

Thoughtful men in all countries are realizing the vast importance of enlarging the obligations of the State to its youth, in connection with the education furnished by the common school, as never before. The anatomist and the psychologist are studying the child with reference to the best methods possible for its development with an earnestness and scientific precision hitherto unknown.

The State must take cognizance of this new advance, and assume the obligations that it demands. If our institutions are to be understood, preserved, and adapted to the requirements of these latter days, the bulwarks must be strengthened, our youth must be "led forth" each with reference to the very best that is in him, and more than ever must we realize that the "child is father to the man."

It was the immortal Webster who said: "You may carve upon marble, but it will perish; you may engrave upon brass, but time will efface it; you may build temples, but they will crumble into dust. But, if you engrave upon the human mind, imbue it with principle, teach it to love God and serve one's fellow-men, you will engrave upon tablets that will grow brighter through all eternity."

[NOTE.— At the close of the morning session on Thursday a brisk discussion ensued, principally with reference to statements contained in Professor Wayland's address. What follows is the stenographic report of such debate, much reduced.]

Mr. SANBORN.— I remember the somewhat heated controversy which followed the paper read here some years ago by President Andrew D. White on the subject just now presented by the chairman. It was taken up with some heat by my friend, Mr. Fred Wines.

Now there is, in fact, a considerable difference between the sources, when you undertake to compare the statistics of crime in this country with the statistics of England, for instance. The statements made by Dr. White, and, I presume, the statements made by the chairman, are taken from a careful but still necessarily imperfect summary of crimes made by one of the great newspapers of the country, the Chicago *Tribune*. The English statistics come from the officers appointed to report those cases which come before the legal tribunals. There is an immense preponderance against our country, partly due to this fact.

As every gentleman knows who has attended the proceedings of our courts in criminal matters, the legal profession of the United States is an accomplice in every species of crime,— an inexcusable accomplice, because the members of this profession are perfectly well aware in individual cases that they are aiding crime. I do not mean that they are in every case, but no well-informed member of the bar can be in any doubt as to what he is doing when he is seeking these perfectly inexcusable delays. He is not seeking the public good: he is not complying with his oath as a member of the bar. He is seeking the interest of his own pocket or some few members of the community, and he is seeking to delay and defeat justice. And the remedy must lie in removing from the minds and consciences of the legal profession this criminal complicity with crime of all sorts.

Hon. ST. CLAIR MCKELWAY.— I think, Mr. Chairman, there are two or three qualifying circumstances to be taken into account in our consideration of the delays of justice in the United States. The American nation are more humane than their British brethren. Our solicitude about life is a solicitude which they do not feel. The growing distrust of the adequacy of capital punishment accounts in a large measure for the small percentage of convictions. On the other hand, the States in which the death penalty has been abolished present instances in which the theory of life imprisonment is without efficacy, because in a short time a pardon issues, under the old rule that, where a few are insistently interested in the bringing about of a result to the prevention of which the masses are indifferent, the few generally win. And then, again, the subdivision of our

nation into States and districts and various forms prevents that unity and that uniformity out of which come the celerity and the certainty of which you speak. We have forty-five different kinds of murder that could be punished in forty-five different ways, unless they should happen to be committed on the high seas or within federal territory or jurisdiction. The diversity of our laws with regard to homicide is not greater than the diversity of our laws with reference to divorce. And so, until we do become a homogeneous nation instead of a nation of partly independent States, we shall have these disparities which have been mentioned.

I believe that the reform must begin with the courts, that the judges should ask for legislation for the purpose of simplifying the law with reference to the right of appeal, and all of the rights that are now spread out too long with the result of defeating justice. But before that and beyond that and around that should be found within the membership of the bar itself the exercise of the weapon of personal respect, and of social ostracism and branded indignity against all these rancid pests of the legal profession that defile that profession as much as lesser scoundrels do other honored callings. There must be a peculiar crime committed when a lawyer, under the pretence of being true to his client, is untrue to his commonwealth, to his profession, to his oath of office, to his country, and untrue to his Maker. Until the controlling sentiment of the bar in favor of honor shall become the pervasive influence throughout all the bar and along all of its branches, these things of which we complain will continue; and our ability to deal with them effectually, except in words, mere words, will be correspondingly impaired.

The Chairman, Professor WAYLAND.— If there is a greater menace to society than the professional criminal lawyer, outside of State prison, I do not know it. Do you know any one who has any social standing or any respect among his brethren? He is a pilloried type, socially. Now as to the part which the judge can bear in this reform. The judge must see so far as he can that an impartial jury is selected, and must see under the rules of evidence that no improper evidence is admitted, and that the rights of the witnesses are respected. He must see that the jury is instructed to apply certain principles of law to certain proved facts, when they have accepted those facts, and then the jury are dismissed to the jury-room; and there is nothing else for him to do except to refuse a new trial, when he thinks a new trial ought not to be granted. A judge can go no further than that, and there are few judges who do not go as far.

Mr. EGGLESTON.— They do in England: they tell a lawyer to sit down.

The CHAIRMAN.— The whole atmosphere of the English trial, civil and criminal, is quite different from ours. The judge will say to the lawyer, "I do not want to hear any more of that; I wish you would address yourself to the subject"; and he has to do it. There is no wrangling with the court as here. I think I have stated correctly all that the judge can do here. Do not let us condemn him for not trying to do what is not within his function.

Dr. EGGLESTON.— The peculiar sentimentalism of our people lies at the bottom of some of this. I attended the Maybrick trial; and, if ever a woman ought to be hung, she should, and yet our people are presenting petitions yet.

Mr. MILLARD.— Must we not say that the great number of murders in this country as compared with the number in England is due in large measure to the fact that so much of our foreign element is of a criminal type?

Mr. McKelway.— In regard to the question of criminal law and the criminal lawyer being an outlaw within his own profession, why should he be? The defence of the criminal is as legitimate as of the artificial person called the corporation. The criminal is so much the solicitude of the courts that, if he is unable to procure counsel, the court will appoint from the members of the bar a lawyer to defend him; and the law allows in the rural counties the boards of supervisors to give to such counsel reasonable compensation. But whether such criminals are artificial persons called corporations their lawyers show no immense improvement upon the criminal lawyer who has been stigmatized. Perhaps certain eminent lawyers would not descend to the devices of certain criminal lawyers, but they would exploit all tests of sarcasm and device on cross-examination to bring about the confusion of the witness and the impairment of his ability to tell the truth, to the same degree that others of their less esteemed brethren do. I think with all respect to Mr. Choate, who so terrifically defended the jury system, which is in no more danger than the American home, that his demeanor toward a venerable but, I fear, not venerated member of the financial world — his persecution and torture of Russell Sage — would compare unfavorably with the worst conduct of the worst lawyers in the worst criminal cases in the city of New York.

5. MEDICAL AND OTHER EXPERTS.

BY ST. CLAIR McKELWAY, LL.D., OF BROOKLYN.

[Read Thursday evening, September 1.]

My friends, the expert is a topic of the time. He has also been a problem for a long period, and he is almost becoming a scandal. Whether he is the best abused or least understood man of his generation cannot be settled. The profession, whatever it may be, to which he belongs,— the bench, the bar, the press,— science associations and the general public find in him a subject that alike impels and repels consideration.

The character in which he concerns mankind is that of a witness. As a witness, he differs from all others who give testimony in the fact that, while those others give or claim to give evidence of what they know, he is called on to render under oath his opinions. He is, in short, an opinion witness. The degree to which his opinions are correct should really entitle him to be called an expert. But the term is broad, general, and sweeping; and, for purposes of practical estimate, the expert must be regarded as any specialist giving evidence in the form of opinion, no matter what his real or reputed standing in his specialty or in the community.

As already said, the other witnesses known to the law are barred from opinion-giving. Facts, they are assured, are what court and jury wish to hear from them, and not opinions. The effort to confine general witnesses to facts is not always successful. Juries, however, are told and instructed to disregard the opinions of all but expert witnesses, taking even those opinions as but a fact in the case; and they sincerely try to do so. It has come to pass that juries without instruction, but under a conscientious view of their duty to justice and to their oaths, are more and more disregarding expert evidence except as that evidence may receive the stamp of favor from the words of the judge himself.

Reasons for the cheapening of expert evidence are not far to seek or hard to find. It is cheapened for exactly the same cause

that leads jurors to discount the speeches of advocates. The advocates are hired to say their say. The experts are paid to testify to their opinions. On the whole, the advocates come off better in jurors' judgments than the experts. The legal profession, from the beginning, has been justified, in its own opinion and in the opinion of practical reasoners, in taking sides in any case. There are always two sides, and sometimes as many interests are involved and represented as to suggest a much larger number of sides. Each one of these is entitled to its lawyer or lawyers; and they, in common acceptation, are entitled to payment. The payment itself, by common acceptation, can be proportioned to the eminence of the advocate or to the ability of the represented interest to compensate him, or to the value of the issues involved or to the amount of labor required, or to the degree of opposition to overcome, or to all these considerations combined or to any group of them. The lawyer as a money-maker does no violence to any received conception of his function. This is especially so when the fact is borne in mind that, in many criminal cases, lawyers, under the assignment of courts to defend clients who cannot afford to retain counsel, will do for them without charge or for only a nominal consideration all that they would do or could do for the richest defendant. The chivalry of the bar in these instances commends their charges at high figures in other instances.

So it must not be thought that lawyers' addresses are discounted and compared and criticised and contrasted by jurors merely because attorneys are hired advocates. Jurors do not condemn them for being hired; but they do rate what they say below the value or emphasis which lawyers would have them put upon it, because they think that the study, in the main, of one side only, and the desire altogether to have that side successful, give to the advocate a partisan, an interested, a biassed, and a warped view of the subject which he treats. The discount of lawyers' addresses is due to this estimate of their interested relationship. The discount of the charge of the judge is a thought which does not enter jurors' minds. The judge is elected, sworn, and paid to be impartial. He is thought to be so. In nine instances out of ten, he is so. In the tenth, his deviation from impartiality would hardly be discerned except by the most critical; and by them it would be regarded as an error not of intention.

Now apply this operation of morals and of reasoning to experts.

They are privileged witnesses. They alone are privileged to give opinions on the facts or on the supposed facts. The judge himself is not allowed to do that. He is careful to tell the jury that they are solely the judges of the facts and of all the facts in the case; but among those very facts is the fact of the opinion evidence of experts, is the other fact of the conflicting opinion evidence of such experts, and is the third fact that these experts are paid to give the opinion which they do render under oath, and are paid to impair or to destroy the contrary opinion which antagonistic experts are likewise paid to render and to defend under oath.

Courts on Paid Opinion Witnesses.

If we drop our casuistry as lawyers or if we lift ourselves above the technical procedure of courts, if we retire for a moment the artificial reasons by which such casuistry and technicality can both be defended, we can get down to some plain ethical considerations. One of them is that such opinions as many experts are called on to render should be invaluable, and, therefore, the property of all, and not for sale to any interest or man to use against others. A profession should be a title of nobility. *Noblesse oblige* should be the motto of contemporary civilization as much as it ever was of that of any time. If the professions other than that of law, which, as already said, is a licensed and discounted partisan, and the contending partisanship of which is tempered by judge and jury, and is really useful to both, deliberately enter the market in competition for clients or for a price, they must expect to part with the authority and respect which they would like to command; and they must expect to be rated by the gauge and wage of interest in hand or in sight, supplied by the adherents to the view to which they sell their services. There can be no retreat from this proposition. Men may protest against it, but it will not down at their protest. Experts may feel offended by it, but the offenders are those by whom the offence cometh. Their friends and their families may object to it, but the laws of human nature are not changed for their comfort or to preserve or to increase their importance. It is a fact in the world. The retained expert is becoming more and more a discredited quantity in the courts of law, among jurors, in the press, and in the general community.

It was only awhile ago, in the case of Roberts *v.* The New York Elevated Railroad Company, 128 N. Y. 465, that Mr. Justice

Peckham, then of the Court of Appeals, and now of the United States Supreme Court, said : —

"Expert evidence, so called, or, in other words, evidence of the mere opinion of witnesses, has been used to such an extent that the evidence given by them has come to be looked upon with great suspicion, both by courts and jurors ; and the fact has become very plain, in any case where opinion evidence is admissible, that the particular kind of an opinion desired by any party to the investigation can be readily procured by paying the price therefor. We have lately said that the rules admitting the opinion of experts should not be unnecessarily extended, because experience has shown that it is much safer to confine the testimony of witnesses to facts in all cases where that is practicable, and leave the jury to exercise their judgment and experience on the facts proved."

And the same court, by Judge Earle, in Ferguson *v.* Hubbell, 97 N.Y. 507, declared,—

"It is generally safer to take the judgment of unskilled jurors than the opinions of hired and generally biassed experts."

This is judicial language. Like too much judicial language, it is turgid and involved ; for the clarity of journalism or the elegance of literature rarely characterizes judicial opinions. Admission must be made, however, that the language of such opinions is generally strong, though blunt, and can sometimes be understood even when it cannot be parsed. Aside from that, however, the language is at once a final estimate and a final instruction by the court of highest authority and last decision in this State,— a court which has always commanded the respect of the State, and a State which has always commanded, through that court, the respect of the republic and of the world. The language is the characterization of a system. It virtually calls that system a vice. Indirectly, it argues and almost demands the abolition of that system. The court has not the power to abolish it, but the court has done all the court could to degrade it.

There may be another side. Something can possibly be said for that other side. I would certainly say all I could within truth and duty in extenuation, not of the system,— for that is morally indefensible,— but for the practitioners of it. Many of them, by far the most of them, are honorable men. They mean to tell the truth, and to tell it with justice and impartiality. But no man should be placed in a position in which he cannot do that, much as he may want to do it. In such a position, professional experts

are placed by the existing state of things. No one would expect an attorney to leave his place by the table from which he speaks and to mount to the chair of the judge, thence to deliver a judicially impartial and absolutely unbiassed opinion upon his own partisan argument as a retained counsel. The effect of one-sided study on the mind would make that impossible. The operation of interest, of combat, the dear delight of battle, the passion for a particular result, would render that beyond human power. The very effort would be a travesty on the function both of judge and counsel. Such an illustration should suffice for the unnatural attitude of the professional expert toward the impartial justice of which he should be the exponent. Until the expert can obtain the warrant which the bar has obtained of a licensed partisan, his vocation will carry a sense of scandal in it; and, when he has obtained that warrant, then his professional standing will be impaired, and the dignity and authority of his personal equation will be reduced.

Of course, you and I and all of us know that there are experts and experts; that there are exact sciences and inexact sciences; that there are opinion witnesses who can be positive and others who must be tentative; that there are absolute truths and empirical propositions and pursuits. Of course, we all know that under the present system the expert confronts a fellow-expert, and that both are harassed, angered, and confused by cross-examinations conducted with the purpose of breaking them down, of destroying their influence with the jury, and indirectly of bringing them, through the accomplishment of their overthrow, into contradictions that make havoc of their credit, ducks and drakes of their fame, reduction of their income, and ruin of their confidence and self-respect. These are all true statements. You and I have heard them. You and I have made them. You and I have regretted them. Bar associations and medical associations and social science gatherings have been the theatre of the utterance of them; and so they are as trite as true, and need no amplification here But let us not undervalue these palliative pleas, even when we do not renew them.

Still, these considerations do not touch the heart of the subject. You all realize that. These considerations were not absent from the mind of the judges of the Court of Appeals when they delivered the terrific objurgations which have been quoted. That tribunal would have had, as we would have, charity for all the victims

of a wrongful system without abating opposition to the system itself or the purpose to abolish or to reform it. It must be abolished or it must be reformed. I have been told that neither its abolition nor its reform is possible. I have been told that the right to call an opinion witness is the same as the right to call any other witness. The assertion is made that the right to call an opinion witness involves the right to call any number of such witnesses, and that the right to contradict, to cross-examine, and to break down, or to discredit, such witnesses is the same as the right to do that in the case of any other witnesses. The declaration has been advanced that the freedom of trials is essential to their fairness, and that that freedom would be dangerously abridged if opinion witnesses were placed upon any other basis than that of other witnesses, so far as their treatment or credence is concerned, except as they themselves, by character, learning, and dignity, can make for themselves a special consideration, and can protect themselves against the concerted impertinences of bombarding counsel.

Defences of Experts by Some Lawyers.

This plea is put forward mainly by lawyers who have brought expert testimony into disrepute, and who, to a degree, have brought their own profession into disrepute by the arts which they have practised for the concealment or destruction of truth rather than for its disclosure and denotement. It is the plea of lawyers who, in many instances, have exceeded even the elastic limits of the easy ethics of their profession. The plea is made by lawyers who could well be called barrators and the agents of champerty instead of the officers of justice; by lawyers who take cases, not for the truth that is in them, but for the lies which can be put into them, and who stipulate, in the event of the success of their efforts, that to them shall come the major part of the guilty gains. Such lawyers are as much of a reproach to the bar as any other scoundrels are to any other profession which they disgrace. The bar is potentially equipped with the means of driving these pests from the calling which they contaminate. But the bar has been wofully negligent in availing itself of such means. The source of the plea should suffice to dispose of it; for the object of these men is the denial and the defeat, not the triumph, of justice. It is the enrichment of themselves out of the robbery of others by the forms and processes of litigation. Even the plea might be admitted, in

its comparative sense, without touching the heart of the subject. It might be conceded that opinion witnesses should receive no better treatment than other witnesses. I do not know that opinion witnesses ask for any better treatment than other witnesses should receive. But I do submit that, if the treatment which opinion witnesses do receive is but the treatment that other witnesses receive, then the argument for the better and juster and fairer and more considerate treatment of all witnesses is made unanswerable. I am happy to concede that, opinion witnesses apart, the general treatment of other witnesses is better than it formerly and long was. Jurors have shown a resentment at the injustice or brutality practised against witnesses of their own class and calling in life. Even the bullies of the bar have taken the hint, and judges have been strengthened in their desire to enforce good manners upon them.

I have said that this plea for expert testimony, as it is, is not put forth by experts themselves. Their plea has been something like this: They are learned men. The use of their knowledge secures them their living and their income. The time and labor which they must put forth in advance of trials to equip themselves for their duty as witnesses, and the time and labor which they must put forth in trials as witnesses, are taken from the paid practice of their profession, unless their preparation to be witnesses and the act of being witnesses be also called the exercise of their profession. If it is such practice of their profession, they are entitled to be paid for so practising their profession. If they are entitled to be paid in their capacity as witnesses for the practice of their profession, their pay can be rightly based upon their own estimate of the value of their services to the interests retaining them; and that devolves upon them the duty of sustaining their view of the case by every means which they can rightfully use.

I think this is a faithful summary of the best defences which I have read by any of the experts themselves. Every witness has his work to do in the world. The expert is the only witness who claims or is allowed special payment for the suspension of his work outside long enough to become a witness in court. His plea is that his work there is really the continuation of his work outside, and that his preparation for that work is much more difficult than the mere duty laid upon other witnesses to testify concerning general facts. There is some truth in this plea. The expert perhaps should be paid a reasonable sum for his special knowledge and special labor. But that knowledge and that labor, as they

belong to justice, should be paid by justice, and not by one side or by the other contending for the consideration of justice. The attorneyship theory of a witness is virtually an infraction of his oath to tell the truth, the whole truth, and nothing but the truth; for he feels retained, when retained, to take that view of the subject that will tell for the side retaining him. A large sum of money to a general witness would be called a bribe. A large sum of money to an expert witness is a stimulation or a persuader. There is a difference between that and the bribe to the general witness. It is a shadowy difference, hard to define or describe. There is a resemblance between them. It is a resemblance too plain or too repulsive to be pointed out.

Not the right of expert witnesses to reimbursement is questioned, but the source of that reimbursement. He who has power over my subsistence has power over my will. This Baconian statement is especially true when subsistence plays the important part which it sustains in an era of multiplied wants and of competitive living, when what men have or can command is the measure of their necessities, their luxuries, and, in a sense, of their importance. Such indirect power, at least, over the subsistence of expert witnesses, retaining clients or interests have. The degree to which that constrains their will cannot be nicely determined, but a real and palpable constraint can be asserted with truth. Hence, as said, the source of their remuneration is all-important. I sympathize with those who contend that the source of it should be the public treasury; that the measurer of the value of the time, labor, knowledge, and reputation of the expert witness, should be the judge, himself a professional man, lifted by station, public support, and official authority above unfair criticism, and sure to be upheld in any large and liberal estimate which he may make in the name of justice.

I sympathize, also, with those experts who both philosophically and pathetically maintain that the partisanship of their employment should cease; that they should be summoned by the court alone, and not by the attorney of either side under color of the court's authority; that as many experts should be judicially summoned as the judge thinks the rights of all interests in the case will require; that, if necessary, a list of experts should be nominated to the judge by each side of the case, from which list the judge should select those whom he thinks could best be chosen; that the propositions submitted to these experts and the replies

obtained from them should be in writing, and that, so far as written interrogatory and written cross-interrogatory will permit, the investigation of the questions upon which the views of opinion witnesses are required should be conducted by commission, not in open court. The judge himself should be the final authority of the net truth to be gathered from all the expert testimony thus obtained, and should announce that truth *ex cathedra*, as it were, to the jury with the same precision, authority, and impartiality with which to them he expounds the law.

This would be a reduction of the present scandal of expert testimony. It should be the first step toward the reform or the abatement of that scandal. If the change can be made by statute, it should be made in that way. If constitutional action is required, that action should be had. If, however, as many believe, courts under their broad equity powers can decree or ordain this change, that should be done. Court-made law is in the long run the best law. The influence of courts on the making of law by legislative action has for a long time been benign as well as in the very nature of things large. The object of trials is the finding out of facts, or truth. That method of trial which best finds out the truth of any case is the best; but neither of judicial methods nor of any methods, as Professor Isaac Franklin Russell well says, can absolute demonstration be affirmed. Of mathematics and of physics alone can that be affirmed. Law must take its chances on human infirmities, human interest, and human sins. But we know that we owe largely to courts that sympathetic correspondence with humanity which has simplified the getting of evidence, on the one hand, and reduced the brutality of penalty, on the other. Thanks to this, the duel is no longer a decision. Ordeal of fire is obsolete. Ordeal of water has ceased. The challenge to Heaven for intervention in matters demitted to man is no longer allowed.

The reforms in testimony which have been secured assure that reforms still needed can be secured. Plaintiffs, defendants, and other parties in interest can now testify in a case, the jury to weigh the fact of their interest as it should be. Wives and husbands in most cases can now freely testify for or against one another. Even convicted parties can give their evidence. These and many other advances argue that the reforms needed in the matter of expert evidence can be secured. They must be secured if the expert is to remain a witness at all or other than a discredited one. His present status can be tolerable to no profession to which he belongs, to justice or to himself.

Curiosities of Expert Testimony.

My purpose has been constant in this output of my views to avoid the personal treatment of the question, or at least to work into it no reflection on experts as individuals. It is difficult, however, to avoid consideration of the bad effect upon experts of the partisan or competitive character of their testimony. There are men who hold themselves out as experts. There are so-called experts who seek to commend themselves to the injured as their professional backers in vindictive litigation. Others still constantly seek to ingratiate themselves with corporations which are exposed to damage suits. There are runners in about every city on the look-out for accidents, who carry in one pocket the cards of damage lawyers and in another the addresses of professional experts with a notoriety or celebrity for the aggravation of injuries. Neither the collective character of the bar nor the collective character of the medical profession is represented by these creatures. But these creatures do exist, are active, and, to say the least, are rarely poor.

I have known more than one aspirant for judicial honors to base his endeavors upon the wealth which he has acquired in what I do not hesitate to call the infamous practice of the legal profession; and, to make his plea for nomination extremely pathetic, such an aspirant generally says that, if he is raised to the bench, he will have an opportunity by reform or by restraint to improve his reputation. I have known doctors who have testified on one side of the river upon a state of facts, involving the plea of insanity, to exactly the opposite effect to that which they have given evidence upon identically the same state of facts on the other side of that river. When confronted with their contradictions, they have said that the facts were not exactly the same, although everybody knew that they were.

I know of one expert, so called, eminent at the time, but happily discredited since, who agreed to testify to the sanity of a defendant indicted for homicide, whose mental condition he had thoroughly studied. The district attorney had only $1,000 from the Board of Supervisors with which to pay this man. A relative of the defendant paid to this doctor $1,500; and, when the trial came on, he testified to the mental irresponsibility of the defendant, who was acquitted. He was confronted with a letter of his own to the district attorney, in which he had taken the ground that the

defendant was entirely sane. He unhesitatingly explained his sworn testimony by declaring that he had given to the subject a more careful examination than he had been able to give when he wrote the letter. The $500 difference between what the State could pay to him and what he was paid by the defence was set forth to the jury without apparently weakening his credit with that tribunal.

Another case within my observation involved the release of a United States prisoner by the President on the assurance of a medical expert that the man was at the point of death. After his release the man lived fifteen years in good health, and died of injuries received on a railroad. Those fifteen years, however, cost him $1,000 apiece; for the sum of them is what the expert charged him.

Near to Saratoga the Delaware & Hudson Canal Company Railroad was resisting a suit for damages by a man claiming to have been badly injured on its cars. The defence was contributory negligence, and that the injuries were nominal, and not real. An expert, for revenue only, went on the stand, and swore the plaintiff nearly into his grave. The company's counsel, on cross-examination, confronted the expert with a letter written by himself four months before the beginning of the trial. It was written by the expert to the plaintiff's home physician. It declared that the plaintiff had been under his charge with a few bruises that had been easily healed, and that he was substantially cured. It recited the treatment pursued, and advised its continuance, if the patient did not regard himself as wholly restored. A postscript to this letter was marked confidential. In it the writer — that is, the expert — said he understood the patient proposed bringing a suit against the railroad company for high damages; and the writer added his belief that the case could be sworn through to the satisfaction of any jury by a doctor who kept his mind in good working order. I cannot explain why this expert was so foolish as to write so compromising a letter. The presumption at the trial was that he regarded the practitioner to whom the letter was written to be as unconscionable as himself. I am happy to say that the jury found for the corporation.

These are not typical instances. They are exceptional, but they ought to be impossible. Far from being impossible, they are likely to cease to be exceptional under the stimulus of speculative lawsuits and competitive exploiting of professional views.

But I am not sure that reforms in expert testimony alone will bring about all the improvement which men have a right to demand of tribunals, called tribunals of justice, and which should be tribunals of justice in fact as well as in name. Many of the abuses charged up to expert testimony could be charged up to other testimony. The expert is not the only sinner in the world of witnesses. Law itself may unwittingly be violating the principles on which its institution in the world can be justified. I do not refer to civil litigations. They are luxuries which principally prosper or injure those who engage in them. A large percentage of them is chargeable to corporations which are artificial persons, and in them the issue or the interest is distinctly financial rather than what we may call general or human. I do not forget that human rights have been advanced and government encroachments arrested by many of these cases in which municipalities, companies, or other chartered creatures have been involved. But, in the main, they are not largely affected by public or human interests.

Courts, the Community and Crime.

The relation in which law stands to the community is its relation to crime. The science of criminology is the one which legal reformers, social reformers, humanitarians, and scientists should take into account. Certainly, statistics do not show that right is gaining over wrong that proportion of advantage which existing judicial systems or methods ought to be able to show. In 1850, only 1 person in every 3,442 of our population in America was a prisoner. In 1890, 1 in every 757 persons was a prisoner. The annual cost of the administration of criminal law in the United States is over $60,000,000. That is more than thirty times as large as the cost of our entire diplomatic service. It is more than twenty-five times as large as the annual remuneration of our federal legislators. Except in war times, it exceeds the cost of our naval and army establishments combined. It represents the largest single item of expense in our system except the interest on the debt or the pension roll.

These figures stand for the theory of punishment as punitive rather than as remedial, as vindictive rather than as reformatory. For one, I am not sorry at the enormity of the figures or at the enormous ratio of their increase. The fact of itself assures a change in the spirit, if not in the methods, of jurisprudence. Let

us look at a few more statistics, for which I am indebted to a recent publication by Dr. Austin Flint and to General Newton Martin Curtis. In 1882 the number of murders in the United States was 1,467. In 1891 the number was 5,906. The proportion of other criminal offences than capital ones shows nearly the same startling increase. This brings us to the question which really underlies the whole matter of medical experts that I have been discussing. Until the probe goes to the bottom the evil will not be explored and the remedy will not be found.

The criminal is a sinner, but he is also a sufferer. He is an offender, but he is also a morally ill man. He is an evil-doer, but he is also a patient. And so should he be regarded. As Dr. Flint contends, that punishment should be administered which is treatment; and treatment should carry in it the element of prescription as well as of penalty. The curability of much, indeed, of most, crime as well as of many other diseases should be kept in view. Protection of the community from incurable crime as from other incurable disease should also be borne in mind. The propagation of habitual criminals is the certain perpetuation not only of the criminal class, but of the great body of offences for which they can be punished, but which their punishment does not reduce in the world.

Of medical experts the function should be less the extenuation of crime, by the estimate or demonstration of the defendant's insanity or irresponsibility, than the protection of the community from him by his sequestration or than the restoration of him to responsibility, to accountability, and to will power by right treatment. The expert's function should be the function of the physician, whether in court or out of court. He should study crime scientifically, as that same foe to the general welfare that any other moral or physical malady is. On this very question of expert evidence, Dr. Flint, himself an authority, says: "Under existing methods, scientific experts, far from giving aid, add confusion to criminal jurisprudence by conflicting testimony. And who shall decide which expert advocate is right?" His contention is that the value of expert testimony can be estimated not at all, if to two contradictory opinions equal value be given. I shall not—for, without too much quotation, I could not, and, even then, I fear not intelligently — follow him in his demand that crime be treated from the standpoint of disease, that the indeterminate sentence and the reformatory object of all sentences be kept in mind. His propo-

sitions have been advocated before in papers here. I give to those propositions, to his opportune statement of them, and to Mr. Brockway's invaluable practical demonstration of their soundness the small homage of my sincere indorsement and earnest admiration. I can only, as a layman, generalize where these real experts specialize.

And so, unscientifically, but ardently and even passionately, if you will, I wish to give my adhesion to the scientific rather than to the theological estimate and treatment of the problem of sin in the world. Sin is want of conformity unto law. But acts are not wrong merely because they are forbidden. They are forbidden because they are wrong. The law from which sin is a deviation or of which it is a violation should be discovered by the study of nature as well as of Scripture and by the light of science as well as by that of revelation. Men may talk and write and fulminate or refine all they please about original sin or imputed guilt or primordial innocence or the fall. For imputation I read heredity. For guilt I read disease. For punishment I read treatment. Theology and science alike agree in regarding man as the victim of violated law. The thing involved, law, and the creature involved, man, are the same. Disputes around these two points of agreement are important only to those who feel themselves put in trust of dogmas or doctrines. They are not significant to those who would walk on the sure and eternal foundations. Yet, it would seem at times as if man is the only part of creation man does not understand. He dominates all animals, and domesticates many. He fells or creates forests. As a cultivator, he stimulates nature to more beautiful and useful results than nature, unaided, could do. He is the only criminal in the world, because he is the only being in the world who has consciousness of evil doing, who has the perception of better doing, and who has the aspiration and capability of advance. He makes nature his servant in his capacity as the consummate product or the head of creation. Yet he punishes himself by his own laws with less justice and discrimination than he does many of the animals whom he dominates.

Crime should be treated by courts, and crimes should be diagnosed by medical experts in a way, if possible, to restore man to the original purity and innocence predicated of him by theology, or to advance him to such a condition, according to whether the not essentially conflicting terms of theology or science be used. The shibboleth of the first runs thought backward to an earlier estate.

The word of the second would front the mind toward a better future. The law which each would subserve is not that body of statutes passed by legislatures. It is not that body of usages called common law, which is the up-come of experience in the race. It is a code of conformity with the original nature of man claimed by theology or with the possibilities of development before man revealed by science. Either can, not irreverently, be called the establishment of God. The old view has given to us crosses; the new view is filled with schools. The old view has been punctuated by the stake; the new view has been illuminated by industry. Our feet stumble over chopping-blocks, or are entangled in bowstrings or hit against the supports of gallows or encounter the clamps of the electric chair in the blinded ways of the past. By the torch which History puts in our hands on that dreary road are seen whipping-posts, dungeons, punitive prisons, penal colonies, starvation cells, and the like. These have required punishments proportioned to the criminal's supposed measure of injury to others. That domain of moral darkness is sentinelled by sheriffs, jailers, executioners, armies,— all for the purpose of guarding men in the mass against the percentage of other men called criminals.

Crime a Curable Disease.

Thence has been evolved the science of the law as a body of trained men impartially dividing for the protection of the community from the criminal and of the criminal from the community. Hence the intricate mechanism of courts, the serial and appellate system of procedure, with the confessed gain of crime on authority out of proportion to the gain of population and in sarcastic contrast with the progress of religion and of education in the world. Something better than this must be had. The criminal must be protected from himself. Such a study of him as will account for what he is and why he is so, for what he did, and why he did it, must be secured. Such a change of influences as will form in him at least a perception of better things must be effected. Encouragement to right-doing and inducement to it must be supplied.

The criminal is not an instance. He is a type. He is not merely a person. He is a species. He is not merely a transgressor. He is a product. He is not merely a product. He is a reproducer of his kind worsened and intensified. His moral sanitation must be regarded as of vital importance. The commu-

nity must be protected from his begetting powers until he can be made a worthy citizen and allowed to become a worthy progenitor.

This is where the medical expert should come in. The community should be his patient when the prisoner is his subject. He should prognose the case of posterity when he deals with the contemporary culprit. The prison to him should be a hospital or an asylum. All our jurisprudence should be essentially medical in its intent, scientific in its procedure, and moral in its motive. This is entirely possible within existing instrumentalities.

Our courts can be made to respond to these principles. The profession of law can be made compatible with the advocacy of these truths. The function of the district attorney can be made judicial and morally pathological instead of legally vindictive. With him the criminal defendant's attorney can walk hand in hand on the highway of right instead of reproducing the brutal mimicry of savage war, which should be an impossible travesty and an incredible barbarity in temples dedicated to the justice which is mercy and to the mercy which is justice. Of all of our existing institutions of a judicial and legal character use could be made for the moral medication of so-called crime so as to make its treatment preventive where it is not, curative where it is not, uplifting where it is not, an inspiration and an inculcation of hope where now it only carries occasion for despair and a welcome even to death. In all this we should guard against maudlinism or mushiness, than which nothing is more unscientific. Neither of those forms of weakness, however, is involved when one protests against the herding of criminals together or against the wrong of keeping a man longer in prison than the time required to create in him a character-cure and a character-change. To a cured or a convalescent criminal should be no more denied his discharge than to any other cured or convalescent patient. An incurable criminal should no more be let loose upon the community than the causes, the germs, or the victims of an incurable disease. The medical expert question and the question of other experts in their relation to law and to criminology are involved in the sincere invocation for men and for governments of the realization of the divine purpose in restoring or in reforming, in returning or in upraising, all the children of the universal Father to their highest possibilities of development in the world that now is and in the world that is to come.

IV. DEPARTMENT OF HEALTH.

[NOTE. — Dr. W. H. Daly, of Pittsburg, Chairman of the Health Department, arranged a most admirable programme for the Health Section of the Association; but, in consequence of the breaking out of the war between Spain and the United States, Dr. Daly and some of the speakers engaged, including Surgeon-General's Wyman and Sternberg, were immediately called into the active service of the government. This unforeseen event seriously dislocated the programme as arranged, which accounts for the few papers read in the Health Department on Friday. In the absence of Major Daly, Dr. Elmer Lee, of New York, the Secretary of the Department, who ably filled the gap, contributed the following extempore address upon the topic "Health in Camps," the stenographic report of which is herewith submitted. Dr. Lee has had occasion to study the question particularly, in Russia, in previous years.]

1. ADDRESS OF CHAIRMAN LEE.

Since the chairman of this department is in the army, endeavoring to assuage the suffering and alleviate the disease that is now preying upon the soldiers, it has been suggested by your President that some remarks be made on questions as to the health of the army. It was my privilege, three weeks ago, to visit Camp Alger, at Fall Church, Va. The camp, which contained twenty thousand soldiers, is presided over by a surgeon-in-chief, with the rank of lieutenant colonel. He is a member of the regular army service, and his assistant is likewise a member of the regular army service; while the entire list of medical assistants, in this corps composed of twenty thousand soldiers, are volunteer surgeons. Therefore there are in this body of twenty thousand soldiers two regular army surgeons. These two men trained in the routine of the medical department are obliged to remain at headquarters, busily engaged from early morning until midnight in examining and passing upon and signing numerous papers of war work. The looking after the health of the soldiers is intrusted to the subordinates. It is evident, of necessity, that the surgeon, while earnest and zealous to do everything that is for the comfort of the

soldier, is necessarily without experience. Most of these physicians are young men, necessarily young men; for the older men do not, as a rule, volunteer. It is difficult for older men to leave their established practice, whereas the young men, without very much practice, seek an opportunity for advancement and promotion.

Unfortunately, in the army, as in private practice, there is no standard of treatment for any given disease. As in private practice, the individual physician is the director of the welfare of the patient; and the comfort of the patient depends upon the individual judgment of the immediate attendant. Thus it is with the care of the soldiers who are sick in their camps. The head physician may be wise and efficient, but he is not in authority to enforce whatever may be his improved and better ideas with reference to sanitation or treatment of the soldiers. Thus it is reduced finally to the point where the soldier is subject to the individual judgment and experience of the regimental surgeon who happens to be placed over him at the time of his sickness.

It has been thought that this is not a wise plan, and it probably will appear to you as to others that it is not a wise plan. The work of the surgeon of experience is spent in clerical duties from morning to night, and an occasional ride through the camp in a cursory way for general observations; but the care which the soldier gets comes directly from the subordinate, not the chief surgeon and his assistant. At all events, I find it so in Camp Alger. The camp was temporarily placed upon a hillside, the drainage was naturally good; but the prevailing misfortune of this camp has been the prevailing misfortune of every camp during the whole of this war,— the inadequacy of the water supply. And, although all human beings are dependent upon water, to a very large extent, for health and comfort, it is one of the measures which has not been sufficiently attended to in the preparation of our camps. I had the privilege of making three suggestions. My first suggestion was that in the preparation of the army camp, before the encampment is made, there should be ample provision for drinking water by providing at the head or at the middle of each of the camp streets portable barrels of water, sufficiently cold to be agreeable, but not so cold as to prevent free and sufficient drinking of water. I suggested shower baths as the best form. The provisions for baths did not exist, except in one or two instances where they had been provided at the expense of the officers themselves. Where

there is an absence of bathing facilities, there is encouragement for slovenly methods, neglect, and filth. Men who do not have the facilities to cleanse their bodies subject themselves to disease. Many of the men go further in their filthy proclivities by neglecting to remove their clothing at night, lying down in their uniforms. Not only hundreds, but thousands, of men may be found asleep in the tents at night in their clothing; and this clothing in the daytime is saturated with perspiration.

The next provision which a camp should have, and which our camps do not have, are wash-houses. It is pitiful to go through a camp street, and observe the soldier in the rear of the tent endeavoring to wash some portion of the camp filth from his own clothing in a tin pan perhaps not larger than ten inches across the top. Generally, there are provided buckets which are supposed to act as water-carriers, one bucket to ten men. But in many instances there were not so many. Frequently there is only one bucket to twenty men, and in some instances only one to fifty men. All these matters are the direct outcome of the inexperience of the subordinate officer. It is not the fault of the government, not the fault of the general officer at Washington; but it is the lack of proper experience on the part of the subordinate officers themselves. An officer holding subordinate rank is not provided with anything that he does not ask for in regular requisition form; and, if he is not experienced and thoughtful for his men, the soldier suffers in consequence. It is not possible for the chief of the division of the army to personally know in each instance for himself whether, for example, there are as many buckets, as many wash-dishes, as many tin pans, and numerous other articles which are required for comfort, as are in proportion to the needs of the men. With these three provisions I am of the opinion that a vast amount of the suffering and a great deal of the sickness of our army camps could be prevented. With ample provision for drinking-water, there should be notices on each of these water barrels instructing the oftentime fearful soldier that drinking-water in camp life is not dangerous. It is pitiful, often, to observe the fear that is in the individual soldier as to the possible harm which will come to him by drinking water in camp.

One man with whom I talked, who had been in Cuba, a member of one of the divisions from Tampa, said the idea prevailed among the soldiers in Cuba that, the less water they drank, the

better for them, that water was dangerous. Now we have a great deal to criticise for this prevalent idea that our drinking-water is dangerous, and apt to poison and make the body sick, that should attach to the prevalence of the modern nineteenth-century school of bacteria, which finds a deadly fever germ upon the lintel, upon the doorstep, and upon the threshold of our homes, in the water that we drink, upon our fingers, and even in the ink with which we write, upon the pencils which the school-children use, and even upon the slates themselves. The fear that exists to-day among nearly all classes of people, and that has pervaded the army, lest the water be polluted and filled with fever germs, is due to the teaching of the modern school of bacteria. This is not the place to deny or affirm with reference to the value of that school. I merely offer it as an explanation of a great deal of unnecessary fear which is spread through the army camps as well as through the communities of the United States, and probably the whole of the civilized world to-day.

The personal equation of the soldier is the largest element in the suffering and sickness of the army. Wherever there are thirty or forty thousand men gathered together, there will always be a considerable measure of neglect. The rations served are precisely the same in one camp as in another, except of course in the field where actual service is going on. The character of the food which the men have, after it is prepared for their use, depends upon the men themselves. Some of the messes have surprisingly appetizing and palatable dishes. I ate baked beans that were as palatable as probably could be prepared in Boston, drank coffee which was as aromatic and delicious as could be found at Delmonico's or even upon a private table. Perhaps the next mess would provide food of the same material, but of such bad quality through the imperfect process of preparation that it would not be fit for a human being to eat. And thus it is all through the camp: here you will find a feast, there you will find a famine. Here I would suggest a further reformation. There should be some systematic method of cooking instead of leaving it to the company to select, or detailing some members of the company organization to act as cooks. In many instances the young men who were detailed from the company as cooks knew nothing about cooking at all. They never had had any experience. They knew how to boil water inasmuch as they knew how to make a fire under an iron frame, and on this frame to set a

wash boiler and pour in a barrel of beans and let them stew. Beyond this their knowledge of cooking was very limited.

The sickness of the camp is partially preventable. It is largely a matter which will depend upon the individual habit of the soldier himself. Another matter which I am very sure contributes a great deal to disease is the imperfect dress which the American soldier wears. He either dresses too warmly or has insufficient protection. In the most cases his dress is oppressive and overwarm. The habit of wearing wool underwear is not known among soldiers except in the United States. In fact, in the Russian army there is no underwear worn at all, and I am informed that they do well; but there is a rule in all Russia which is almost a sacred rite, that the people take a bath regularly once a week. And that is one advantage which the Russian and European soldier has over the American, that he does not clog the pores of his body by encasing it in an impervious material, and prevent the escape of the impurities which make their exit from the skin. These exudations upon the surface of the body, after they undergo oxidation and are transformed into poisonous material which, reabsorbed into the system, produce a sufficient explanation of disease. Those who feel that the soldier does not dress too warmly might learn a lesson from the poor, half-civilized Cuban warrior who made his way into our camps at the front. He was regarded by the reporters with pity as to his ragged condition, his naked limbs, and his half-uncovered body. If the truth was known, that was no detriment to the health; but, on the contrary, he was better for his raggedness. But these are painful experiences to civilized life, and they do grate on our sensibilities, and cause us to feel a pity for this neglected condition. But the neglected condition is natural to the Cuban: it is natural to his environment. He is more in accord with nature's requirements than the civilized method of clothing the body. And we sometimes waste valuable energies in unnecessary attempts to relieve conditions which are better oftentimes by being unrelieved. If we would always do the practical things and lay aside the theoretical refinements and luxuries pertaining to life, it would accomplish enough many times to prevent suffering and disease to the individual and to our army as an army.

I think, for one, being, as I am, a physician of years of experience, and therefore reasonably possessed of the right to speak, that this large fatality from sickness in the army is a disgrace upon

the profession of medicine. Let me make myself very clear. Not a disgrace upon the individual doctor, the medical department, nor upon the officers at Washington, from the Secretary of the War Department down to the orderly in the hospital wards, but a disgrace upon the system of medical teaching in the last of the nineteenth century. The medical teaching is wrong. Its method is wrong. One school in one part of the country teaches one thing: another school in an adjoining city teaches another thing. It all depends upon the personal equation of the lecturer. There is no agreed standard for the treatment of disease. It would be fortunate, if it were in the power of the Surgeon-general in the army, to *standardize* the treatment of all fevers, and perfect it as nearly as possible; but he should certainly standardize it. I would not have a doctor at Camp Meade treating fever one way, and others treating fever a different way. I would have it uniformly systematized.

By that I mean this: I would have one treatment, I would have one system. It would not be left to the individual subordinate to decide whether he should give calomel, quinine, arsenic, or any other poison, or no poison. There would be a plan laid down for him, whether he approved of it or not. I think the average treatment would be far better, and it would be a help and an avoidance of the harsh criticisms which are indiscriminately spreading throughout the United States as to the mismanagement of the medical department all through the army. It is not the fault of the Surgeon-general, a man of perception, and heart and head: it is the fault of our complex and unsettled system of teaching medicine. It is owing to the vast number of individual temperaments and inexperience. A different interpretation is placed by each individual upon symptoms, upon the exhibition of internal disease. A symptom may be thought by one individual to mean neuralgia, and by another to be an evidence of rheumatism. If it is interpreted by one member of the medical department as neuralgia, it would probably receive a treatment very different indeed than if interpreted by another man as an indication of rheumatism; and thus the patient would receive diametrically different treatment according to the opinion of his physician. I mention these things to show whereon the criticism is based that the system of teaching medicine is a confusion: it is not sufficiently standardized. We have in the teaching of anatomy a system or science. An institution here teaches a certain system of anatomy, and another insti-

tution five or ten thousand miles away teaches the same system. Our physiology is practically settled; but when we come into the domain of the interpretation to which bodily symptoms refer, there is bewilderment. The wonderful provisions in Europe for the care of large congregations of men is worthy of being studied by our own people.

The genius of the American nation, I am sure, if the war had lasted long enough, would have constructed the wisest and most complete system of local care of the army probably known in the world, such is the capacity of American genius. But the opportunity has not been presented, and the war has been of such short duration that there has not been time enough to determine the value of individual methods of care for the soldier. It is a new experience for us. Many of those engaged in conducting the departments have never had experience, so many years having elapsed since our last war. But it is too great a responsibility for one not himself personally engaged on the ground to undertake to righteously criticise the medical department of our army. It certainly is not safe to indulge in criticisms on the individuals who were there doing the very best they knew how. Whether we will have a better system is a matter that is worth pondering. Certainly we must expect progress. If progress means improvement, then there will be a better system.

Dr. Lucy Hall-Brown.— It seems to me, with regard to the question of typhoid fever, that there has been no reason to criticise the treatment. The best way to cure typhoid is not to get it. It seems to me that nothing can be more certain than that the spread of typhoid in the army has been from the direct fact that the bacilli of typhoid were distributed through the food and drinking water. So far as a stereotyped treatment is concerned, we all know that proper food, care, and nursing, and the skill of a physician to control, so far as possible, the action of these germs, is the true method of caring for typhoid fever.

As to the confusion in teaching in the medical profession, I fail to see where that comes in. I have been in medical schools in London, Paris, and Germany, and a large number of those in this country, and my medical library is pretty fully supplied with all the various treatises on disease. I do not see where we differ so very much in our teaching. It certainly seems impossible that any one should take in hand any patient who is ill with any disease whatever without taking what our friend Dr. Lee terms "personal equation" into account. One man may have a weak heart, another man a strong heart, another may be a victim of uric acid. One may have, as suggested, a tendency to neuralgia, another may have rheumatism, and another malaria; and on account of these each would require a different course of treatment. As a surgeon said

to me in the Long Island Hospital, where a man had a high temperature from a bad wound and yet showed that he had malaria, "I believe that the condition of the wound has caused most of the trouble, although, no doubt, the man has malaria."

So far as the efficiency of our medical department at Washington is concerned, I do not know; but it seems to me that an efficient man there might have in some way controlled matters so that the terrible conditions which are now prevailing, in Southern camps especially, might have been avoided. Take, for example, General Fitz Hugh Lee, with Dr. Fowler as his right-hand man, and see the extremely good condition of his men with regard to disease; and, with equal efficiency elsewhere, a large part of the illness among our troops might have been avoided. If Fitz Hugh Lee and Dr. Fowler can bring forth such results, why not others?

Chancellor HOLLAND — I believe it is necessary to wear light, loose flannel underwear next to the skin, especially as the chill of the evening in the tropics comes on. I feel inclined to differ a little from my friend Dr. Lee as to the use of underwear. I have travelled in the tropics considerably myself; and, when the evening comes on in the tropics, there is a chill,— not a gradual change, but a sudden chill. I think the animals of the tropics teach us something on this question, and I have studied hundreds of tropical animals. The whole genus of African moths is noted for its excess of wool. These moths have an extremely dense covering of fine wool next to the skin. I think nature teaches us something there. I say to men in the camp, Let whiskey alone, boil and filter your water, and wear loose, light flannels next the skin.

2. REMARKS UPON THE FILTRATION OF MUNICIPAL WATER SUPPLIES.*

BY W. J. HOLLAND, LL.D., CHANCELLOR WESTERN UNIVERSITY OF PENNSYLVANIA.

[Read Friday morning, September 2.]

A distinguished physiologist has declared that man consists of from twelve to fifteen pounds of mineral salts and two pailfuls of water. Accepting this statement as chemically correct, it will be observed that mankind is in constant danger of evaporation. The human race is constantly struggling against a tendency to dry up. The necessity of protecting the species against such a catastrophe is especially great where men are brought together in those huge aggregations of population known as cities. From the most ancient times, engineering skill has been taxed to provide an abundant supply of good water for the municipalities of the world. Those of you who have seen the ruins of the great aqueduct which conveyed the waters of the Italian foot-hills to the denizens of Rome in the days of the Cæsars, and those of you, who have familiarized yourselves with the methods of obtaining a water supply in the great cities of the present age, will realize the force of what I have said. The invention of the steam-engine has enabled us to solve successfully many problems, which would have been practically insoluble at a time when the distribution of water was dependent wholly upon the action of gravity. I go so far as to say that such a city as Chicago could not by any possibility have been called in to being upon the absolute level upon which it is built, had it not been for the ability which we possess to-day, through the power of steam, to force up water to great elevations and distribute it successfully over a wide area.

The water supply of the cities of the world is to-day brought to them by the action of gravity, or pumped into reservoirs, or else distributed by a combination of the two methods. The true Acropolis of a great modern city is an eminence, not crowned with fortifications, but set on the top with a great reservoir of sparkling water, flashing the blue of the sky like a sapphire.

* This address was designed to be illustrated by a series of lantern slides; but, taking place in the morning, these were not exhibited.

Those who have not given any attention to the subject have but a faint conception of the vast sums of money which have been invested in providing water for the people of the great cities of the world. In localities where it is necessary to pump the supply to a considerable elevation, in order to distribute it through the homes and workshops of the people, a great deal of money has necessarily been expended upon the fabrication of engines, some of which are not only the most ingenious products of engineering skill, but are among the most colossal pieces of machinery in existence. The end sought in the production of these great machines is the maximum of efficiency with the minimum of cost in operation. That wonderful advances have been made in this direction is illustrated by a fact which has just come under my observation in the city where I live. Certain engines, long in use, which at the time they were erected were regarded by many as models of efficiency, have been replaced by a series of more modern engines, capable of performing vastly more work; and the result is that there are at the present time nine out of twenty-six huge boilers standing idle, though in perfect condition, the steam which they were required to generate in order to operate the old engines being no longer needed by the modern engines which have been recently installed. Where water is supplied by gravity, vast sums of money are of necessity expended in the construction of impounding reservoirs, aqueducts, and canals. Much expense has been also incidentally incurred in the purchase of lands the waters from which flow together to form the supply destined ultimately to be distributed to the urban population. But it is not of the methods of collecting and distributing water to our great cities that I am to speak.

Since the remotest ages the desirability of furnishing a water supply free from sediment and attractive to the eye has been recognized as of the greatest importance. While muddy water is not necessarily unhealthy, nevertheless it is not pleasant to look upon, and frequently it is unpalatable. To secure a supply of clear and brilliant water has always been held to be most important. Modern scientific researches have, within comparatively recent years, shown that it is eminently desirable, not merely to furnish water that is clear in color and palatable, but which has been deprived, so far as possible, of all contamination which is likely to produce disease. The spread of many diseases is due to the presence in the water supply of microscopic vegetable organisms.

One of the most remarkable illustrations of the accuracy of the conclusions which have been reached by scientific men, and which is of course familiar to you all, was furnished at the time of the great cholera epidemic in 1892, in the city of Hamburg, in Germany. The people of Hamburg obtained their supply of water from the river Elbe at a point where it was liable to contamination. The people of the adjacent suburb of Altona had another water supply. Cholera ravaged Hamburg, while the people of Altona escaped. Those who used the water supplied to the people of Hamburg on one side of a street suffered from the disease; while the people on the other side of the street, who did not use the same water, were exempt from the malady. Microscopic researches revealed the fact that the river Elbe was thoroughly impregnated with the germ of Asiatic cholera. The result of this terrible visitation in the city of Hamburg was the initiation of a plan to furnish that metropolis with a supply of water from which disease germs are, so far as possible, removed; and at an expense of several millions of dollars Hamburg established on an island above the city a great plant for the purpose of thoroughly filtering the water supplied to the people of the city. Filtration was, however, nothing new at the time that it was adopted by the city of Hamburg. The filtering of municipal supplies of water through deep beds of sand has been carried on extensively in Europe for from thirty to forty years, and some method of filtration of municipal water supplies is now by law made obligatory in the German empire upon all municipalities. The city of London has for many years filtered the water supplied to its inhabitants. The supplies that are furnished to the city of Paris are in part filtered.

Of course, the ideal water supply of any city is a supply which is from the very first free from every contamination. If a municipality can so guard the watershed from which its supplies of the fluid are drawn as to make it impossible for the streams to become contaminated with germs of human or animal disease, and if the water coming from such a spot can be distributed to the population without contamination, nothing more need be done. The city of Vienna, in Austria, receives its water supply from a very distant point in a wild region purposely kept uninhabited; and the people of the Austrian metropolis drink the drippings of snow-clad hills visited by nothing more noxious than the snows of winter and the showers of the springtime. This is a really ideal condition, but a condition which is wholly beyond reach, except at enormous ex-

pense, in many of the great cities of the world. It is a condition of affairs which has to a certain extent been realized in our great metropolis upon the Hudson, but which is impossible, for instance, in such a city as Cincinnati or Louisville, or in many of the cities located upon the great lakes. The great lakes which look so clean and so pure, are, unfortunately, sheets of stagnant water, which receive into their expanse the sewage of multitudes of great communities, and which from passing ships are constantly receiving contamination from human excreta. The water supply of the city of Chicago, taken from a point far out in Lake Michigan, is notoriously defiled by the vast amount of filth which is poured into the lake by the city; and, at vast expense, Chicago is at present undertaking to divert the streams of filth from her sewers to the Illinois River and thence to the Mississippi, so that her supply of water from the lake may be made better. But what Chicago may gain St. Louis and a score of other towns are likely in a measure to lose. It is no exaggeration to say that all the streams on the watershed of the Mississippi basin are more or less contaminated from their very source to their mouths.

It has been my duty in recent months to carry on a series of investigations covering the watershed of the Alleghany and Monongahela Rivers, which unite at Pittsburg to form the Ohio, and from which the metropolis of Western Pennsylvania, with the three-quarters of a million people who cluster about it, derive their supplies of drinking-water; and I have discovered that from the very summit of the Alleghanies the mountain brooks are being defiled by sewage from mining towns and the filth of lumbering camps, and that typhoid fever, the germ of which is believed to be water-borne in most cases, is widely prevalent over the entire area from the very top of the mountains to the lowest point in the valleys. If the entire watershed is then more or less contaminated, the people of great municipalities, like Pittsburg, Cincinnati, Louisville, and St. Louis, who cannot bring to themselves an uncontaminated water supply from distant and inaccessible mountain tops, must resort to some method of filtration by which the water at their doors may be robbed of its deleterious elements and made at once clear and healthful. Filtration in some form or other must be adopted, and filtration should be coupled with the enactment and enforcement of laws against the original defilement of the streams by pouring sewage into them.

This leads me to speak of the filtration of water supplies, as at

present practised. There are in reality but two principal methods. These are in operation under various modified forms, but substantially all the methods may be classified under two divisions. The first method is what is familiarly known as sand filtration, widely resorted to in Europe, in use for a number of years at the city of Lawrence in Massachusetts, and about to be put into operation on an extensive scale in the city of Albany, N.Y. The second method of filtration is familiarly known as the mechanical method, in which the water is passed through sand after having been first treated by the introduction of some form of coagulant. I will now attempt briefly to describe the principal features of these two methods.

Sand Filtration.— A sand filter, as ordinarily constructed, consists of a water-tight basin or reservoir, at the bottom of which are placed open-joint hollow tiles, which form the sub-drainage system, communicating with larger systems of tile pipes which serve as effluent drains when the plant is in operation. Over these tile-drains is placed a layer of broken stone, from two to three feet in thickness. Above this is placed a layer of coarse gravel; above this, layers of finer gravel, screened, the grain gradually diminishing in size as each layer is laid on toward the top; and, finally, over the entire surface are laid from two to two and a half feet of fine sand. The water is introduced from above, percolates through the sand to the gravel, is collected in the drains, thence flows into a basin, from which it is conveyed to the distributing mains.

The arrangement of the material for the construction of such a filter requires some care; but the plant, as you will observe, is apparently a simple one. A filter constructed in this manner admits of the slow percolation of the water from the upper surface downward; and in the process it has been discovered that the water is not only largely freed from sedimentary deposits, but is also robbed of its bacterial life. In the process of allowing the water to percolate through the upper sand layers, it follows speedily that a thin deposit of silt and slime takes place upon the upper surface. To this deposit German engineers have given the expressive name of *Schmutzdeckel*, and the word has come to be generally employed in speaking of this deposit by hydraulic engineers. The *Schmutzdeckel*, or thin layer deposited on the surface of the sand, appears to play a very important part in the purification of the water from bacterial life. The minute vegetable organisms — many of them innocuous, it is true, some of them disease-producing

germs — become entangled in this thin upper layer, their passage downward through the sand is arrested, and they are prevented from passing through into the effluent. In fact, a sand filter never reaches its maximum efficiency until time enough has elapsed to permit of the formation of this slimy skin upon the upper surface of the sand. In the process of time the *Schmutzdeckel* gradually becomes thicker; and, finally, the deposit upon the upper surface of the sand becomes so thick and hard, having almost the appearance of a layer of greenish felt, that the flow of water is arrested to such a degree as to make it necessary to remove it. This is done by the process of scraping. A thin shaving of the sand of the upper surface is removed, together with the *Schmutzdeckel*, the water is allowed again to flow over the filter, and a new covering is formed. The necessity for scraping the upper surface of the sand, in order to maintain an efficient flow, varies with the condition of the water that is being placed upon the filter. When very muddy water is allowed to flow over the surface of the filter, the pores of the upper layer become quickly choked, and scraping at frequent intervals becomes necessary. Where water is comparatively clear, scraping is not necessitated at more frequent intervals than from five to six weeks; and, under favorable conditions, a filter may be even operated for two months without any necessity for removing the thin upper layers. The sand that is removed in the process of scraping is washed free from its impurities and of the deleterious matter, allowed to dry in the sunlight and air, and is used again in replacing the covering of the beds where they have been thinned off by the process of scraping.

Experiment has proved that, with water not abnormally filled with sedimentary deposit, three millions of gallons of water per acre can be passed daily through a filter such as I have described, yielding a clarified effluent, from which 98 to 99.25 of all bacterial life has been removed. The effluent is as pure, therefore, as water which is yielded by the best mountain springs; for it must be remembered that no water whatever is absolutely free from vegetable micro-organisms. Fortunately, as I have already indicated, the vast majority of these organisms are not morbific; and experiment goes to show that disease-producing germs are even more susceptible to destructive influences by the process of filtration than others, so that, if from 98 to 99 per cent. of all the bacterial life is removed, the presumption is extremely strong that there has been a total removal from the effluent of morbific germs. This

method of filtration in use at Lawrence, Mass., about to be installed in the neighboring city of Albany, is the method employed in London, Hamburg, Bremen, Berlin, and a multitude of other European cities.

One of the great difficulties in operating such a filter as I have described arises in winter-time from the accumulation of ice upon the surface. In order to prevent the freezing of the water in the filters, many of them are covered by vaulted arches of brick masonry. This is done in the city of Berlin, and this will be done with the new filters in process of construction at Albany. In Hamburg a reasonably satisfactory solution of the difficulties arising from the formation of ice has been reached by the construction of a scraper which is made to operate under the ice. The scraper consists of a hollow metal box, capable of floating on the surface. On the lower side of this box is a cutting or shaving tool consisting of a long blade, behind which is a bag. This blade and the bag following are made reversible. The apparatus is operated by wire cables which pass under the ice, motion to which is communicated from windlasses stationed on either side of the basin. When it is desired to scrape the surface of the sand underneath the ice, the ice along either edge of the basin is removed to a width sufficient to permit the introduction of the shaving apparatus. It is then passed to and fro over the surface of the sand, shaving off the *Schmutzdeckel*, which is caught in the bag; and the material thus removed is piled up on the edge of the filter, where it is allowed to remain until thawing weather permits the drainage of the water from the upper surface, when the piles that have accumulated along the side are removed and taken to the washer. The climate in the city of Hamburg is by no means mild in the winter-time, and ice sometimes forms to the thickness of over a foot. Nevertheless, by means of this comparatively simple contrivance the Hamburg filters have been scraped during the winter months, and a state of efficiency has been maintained, and the enormous cost of vaulting over the filters with masonry has been saved.

Some eighteen months ago, while visiting the Lawrence filtration plant, the filters of which are not covered, and where the ice is cut and removed as it forms, the chairman of the Pittsburg Filtration Committee, who is also the superintendent and general manager of the Pennsylvania Railroad in Pittsburg, suggested to the authorities that the same method might be employed to prevent

the formation of ice over the filter which is used by the Pennsylvania Railroad in preventing the freezing of the water in the tanks from which the express trains take water while under way. The arrangement is a very simple one by which waste steam from the pump-house is carried along the tank, and permitted to blow over the surface of the water. The jet of steam produces a slight agitation and the deposit of a warm film of water over the surface, so that in the severest weather these shallow tanks on the track are free from ice. The authorities at Lawrence acted upon the hint, and placed in position a number of pipes for the purpose of experimentation ; and the result was quite successful, in an experimental way.

In treating the waters of streams which are exceedingly muddy at times, like the Ohio, the Missouri, and the lower Mississippi, which receive the washings from vast alluvial areas, it becomes necessary before filtering the water to allow a certain proportion of the heavy mineral matter held in suspense to be deposited by the process of sedimentation. The very extensive series of experiments carried on at immense expense by the city of Louisville upon the waters of the Ohio River have demonstrated most satisfactorily that without preliminary sedimentation it is impossible in that locality to economically employ the method of sand filtration which I have described ; and I may say that the same remark holds good for the city of Pittsburg at certain seasons of the year, when the rivers are in flood.

The problem of furnishing a supply of filtered water to any one of our great municipalities on the Mississippi watershed is therefore a problem demanding for its solution, first of all, the construction of large reservoirs in which at certain times clear water may be stored, in order to be used upon the filters when the rivers are running liquid mud ; and, secondly, the construction of filters of sufficient size to furnish adequate water supplies.

This may be as good a place as any other to call attention to the enormous consumption of water in American cities and municipalities. Prodigal in everything, the American people are most prodigal in their consumption of water. It is used in hundreds of ways, the very smallest proportion being that which is employed for drinking purposes. The cities of Pittsburg and Allegheny, with an aggregate population of about four hundred and fifty thousand inhabitants, consume daily in the neighborhood of one hundred millions of gallons of water, whereas the city of Berlin, with

a population of a little more than one and a half millions of souls, consumes daily not quite half this amount of the life-giving fluid. The same relative proportions of consumption prevail in almost all American cities. In Berlin each man, woman, and child in the population receives thirty-three gallons of water per diem for use. In Pittsburg each man, woman, and child receives two hundred and fifty gallons. In other words, in Berlin one barrel of water per diem is enough for the people; but in Pittsburg each person requires four hogsheads of water, and yet Pittsburg is not any dirtier than Cincinnati or Chicago. This proportion is accounted for in many ways, but any one who is familiar with Europe knows that the appliances for bathing on the Continent are not nearly so elaborate as in an American house. When visiting Dresden last summer, in hot summer weather, I demanded a bath-room in connection with the apartment assigned me, and was finally accommodated. I was charged for the bath-room twice as much as for the suite of rooms that I occupied; and I heard myself designated by one of the servants of the hotel, when speaking to another, as "Der Herr mit dem Baden" (the gentleman who has the bath), and found myself thus possessing a peculiar distinction.

The second method of filtration has sometimes been called the "American" method, but is more commonly known as the "mechanical" method. It consists in passing the water through sand after having first treated it with a coagulant, generally some one of the salts of iron, common alum being the coagulent most generally in use. The coagulant forms a flocculent precipitate upon the upper surface of the sand, which is contained in large wooden reservoirs; and the water, flowing downward through the sand, is freed from sedimentary matter and bacterial growths, they being caught and entangled in the sedimentary mass of the coagulant deposited upon the upper surface of the sand. After filtration has gone on for a while the upper surface of the filter is cleansed by reversing the current, lightly agitating the upper surface with rakes made to revolve by machinery, the waste water flowing off over the edges of the reservoir into pipes which carry it away and prevent its mingling with the pure water of the filter. The advantage of this method is that it permits of a vastly more rapid flow of water through the filter. The ordinary sand filter, as experiment shows, cannot well be operated at a more rapid rate than three millions of gallons of water to the acre per diem, whereas, in the mechanical method, filtration may be carried on at the rate of one

hundred millions of gallons per acre per diem. In other words, where it is intended to supply pure filtered water to a city which consumes one hundred millions of gallons of water per diem, filter beds thirty-three acres in extent, or even more, will be required; for at all times certain of the filters will be undergoing the process of scraping, and will therefore not be in use. A city consuming one hundred millions of gallons of water per diem will really need from forty to forty-five filters, each covering an acre. Under the mechanical method a hundred millions of gallons of water can be filtered in tanks of the kind that I have briefly described, placed upon a site covering not more than two acres.

One objection that is urged against the mechanical filtration arises from the use of alum. However, by very careful manipulation, which requires a high order of intelligence and the constant presence of a skilled force of chemists, the flow of the alum into the effluent may be controlled, so that very little, if any, of it is perceptible by the most refined chemical tests in the water which passes through these filters.

In the city of Worms an ingenious method of filtering water has recently been devised and put into use. The water is filtered through large tiles made of sand and powdered glass fused into a porous mass and containing a hollow cavity in the interior. These tiles are coupled up in long series in troughs made of cement: the hollows of the interior are coupled up with a lateral effluent pipe. The water is introduced into the trough, and flows from the outside of the tiles into the interior cavities, and is passed out through the effluent pipes. When it becomes necessary to wash the surface of the tiles, the current is reversed, and the sludge is scoured from the tiles and out of the troughs. The water in this case also is treated before it is filtered by being mixed with a preparation of the salts of iron introduced in minute quantities. The objection to this method of filtration, if there be any, arises from the extreme difficulty of effecting a union between the tiles and the effluent pipes so as to prevent leakage and the importation into the outflowing water of deleterious substances. A further objection arises from the tendency to split and crack which has been observed in almost all of the tiles which have been employed. I mention this system simply because it is being at present exploited in this country. It is only used in one locality in Germany, the city of Worms, and, so far as information has been received, is open to criticism because of the inherent difficulties attending its construction and use.

Professor RUSSELL.— I wish to ask the chancellor whether he has given consideration to the precipitation of sewage, in order to prevent contamination?

Dr. HOLLAND.— That is a subject of itself apart and separate from filtration. The subject of contamination of streams is being cared for legally in this and other countries.

Professor WAYLAND.— With reference to filtration for private houses, is there any reason why one should use charcoal, or is sand sufficient?

Dr. HOLLAND.— I think it is well known that after a period of time charcoal becomes foul. Charcoal is one of the best agencies for treating water antiseptically: it seems to produce a rapid oxidization. I think, for my part, the very best filter for a house filter is the common Pasteur filter.

Dr. CURTIS.— How frequently should a filter an acre in extent be scraped? For instance, in Pittsburg, how often must the surface be scraped?

Dr. HOLLAND.— The scraping depends entirely upon the condition of the water that is admitted to the filter. At Lawrence, Mass., in the summer months and in the winter months, when a period of flood does not prevail in the Merrimac, they tell me the filters require scraping not more frequently than once a month; and a filter will often maintain itself as long as six weeks, or even two months without scraping. With the waters of the Mississippi Valley, carrying a very large amount of clay in solution, it becomes necessary to scrape more frequently. In Pittsburg, during the summer months when the water is low, we can run the filter as long as at Lawrence; but a sudden summer shower, bringing up all the affluents of the Monongahela and Allegheny, and sending down a current of mud, chokes the filter, and you have to scrape.

Professor RUSSELL.— I would like to ask Dr. Holland whether he has heard Colonel Waring, of New York, explain his plan of disposing of the sewage and the consequent contamination of the water supply. He has some apparatus, as I remember it, whereby all that comes from the household drains is made into pure water, and each house uses the same water over again, pure water being made out of the substances drained off in various ways from the house. I would like to ask if you have heard of it.

Dr. HOLLAND.— Not through a personal audience with Colonel Waring, but through reading Colonel Waring's paper. It is theoretically possible. Anybody who is interested in drinking sewage can have the opportunity to do so at any time. It is one of the common acts of kindness at the water station at Lawrence to hand you a tumbler full of Lawrence sewage, which has been absolutely purified and which is chemically pure. But I do not think that process could be carried on advantageously on a large scale. I think any system of that sort in domestic use is open to objection. Things will go wrong even in the laboratory of the most successful.

President BALDWIN.— In the city in which I live I am told that the consumption of water in winter is greater than in summer, and that the explanation is that people allow their faucets to run all night and all day, if need be, to prevent the water from freezing in the pipes; and it is not due to cleanliness, but to household economy. Do not they prevent this better abroad in Berlin and other cities than in American cities?

Dr. HOLLAND.— The remedy is to meter the water as it is supplied to our people. There is undoubtedly a shamefully, extravagant waste, and, undoubtedly, the water problem is made more difficult by this waste.

APPENDIX.

THE CARE OF DEAF-MUTES IN DENMARK.

BY HOLGER MYGIND, M.D.

[Contributed to the Association, but not read for lack of time.]

In hardly any country in the world are deaf-mutes so well cared for as in Denmark, where the instruction of deaf and dumb children has been compulsory since the year 1817.

In Denmark, when a deaf and dumb child reaches the age of eight, he is bound by law to be instructed *either* in his own home or in a private special school, *or*, should the parents be unable to guarantee competent instructors, in a public institution. Hardly 10 per cent. of Danish deaf and dumb children are, however, instructed at home or in private institutions.

In order to control the execution of this law, all parish clergy send into the department for educational and ecclesiastical matters annual reports as to each deaf-mute in their respective parishes, their reports including information as to the social condition, etc., of the deaf-mute.

When the deaf and dumb children are sent up for public instruction, they are divided first into two classes; namely, (A) those whose intelligence is so deficient that they must be considered idiots, (B) those who do not show any signs of idiocy or imbecility. The first class of deaf-mutes is not instructed, while the second group is sent to a preparatory class connected with the Royal Deaf and Dumb Institution in Fredericia. After having been a year in this class, the pupils are examined by a commission consisting of the director-general of the Royal Danish Deaf and Dumb Institutions and the two directors of the Royal Deaf and Dumb Institution in Fredericia and in Copenhagen. After this examination the deaf and dumb pupils are again divided into three groups: (1) this first group consisting of those children who are only partially deaf and

dumb (*i. e.*, those who have some faculty of hearing or of speech, either because the auditory organ is not quite destroyed or because the deafness has occurred at a comparatively advanced age). These are all sent to the Royal Deaf and Dumb School in Nyborg, which can receive one hundred and thirty-five pupils, who are all instructed by means of lip-reading and oral speech. (2) The second group consists of pupils who are totally deaf and dumb, but who have sufficient intelligence and capability of learning oral speech to be instructed by means of lip-reading and oral speech. These are, however, subdivided into two parallel classes, called A. classes and B. classes, the latter containing a lesser degree of intelligence. The deaf-mutes in A. and B. classes remain in the Royal Deaf and Dumb Institution in Fredericia, which is able to receive about two hundred pupils. In both institutions mentioned, only the younger classes are boarded in the institution; while the older pupils are boarded in private families in the town, thus becoming accustomed to intercourse with hearing and speaking people. (3) The third group embraces totally deaf and dumb pupils, who are not considered capable of learning oral speech. These are sent to the Royal Deaf and Dumb Institution in Copenhagen, where there is room for about ninety pupils, who are all instructed by means of writing, also learning dactylology and gesture questions. In all institutions the pupils are discharged when their instruction has lasted altogether eight years, all being confirmed before they leave their respective schools.

The annual payment for each pupil is two hundred and eighty krones (about seventy-five dollars), the payment, in case of the parents' poverty, being met by the respective county or town to which the child belongs.

In all the different institutions the boys are brought up to learn some practical trade, tailoring, shoemaking, or joinering. Should the parents wish it, the institution assists the pupils in obtaining apprenticeships on leaving.

Later on in life the Danish deaf-mutes are assisted in the following ways: —

A society, called the "Society for Aiding Deaf-mutes instructed by the Oral Method," has the following objects: (1) To assist pupils leaving the Institution for Oral Instruction to apprenticeships (preferably in the neighborhood of their homes), so that they can later on support themselves; (2) to form connections with those clergy in whose parishes deaf-mutes are resident, in

order to give them (the clergy) such assistance as may enable them to become the deaf-mutes' spiritual advisers; (3) to find out such men and women in the deaf-mutes' places of residence as would advise and help them, and also form the connecting link between the institutions and the pupils who have left it; (4) to provide for the spiritual and intellectual development of the deaf-mutes by means of a periodical paper; (5) to support, as far as possible, all undertakings which might prove beneficial for the oral method and its pupils.

Another society called the "Friends of the Abnormal School" gives a little aid to deaf-mutes. In Copenhagen the Deaf and Dumb Girls' Working Home is maintained by voluntary subscriptions and some aid from the State. It can receive up to sixty deaf and dumb girls, who are principally employed in a large laundry connected with the establishment. There is also a dressmaking business attached to it, the girls being also employed in domestic work.

Further, the deaf-mutes of Denmark have formed a large society, "The Deaf-mute Society," of which hearing persons are honorary members. Its object is to assist its members in cases of sickness.

Although the Danish deaf-mutes only number about 1,300, both sexes and all ages included, they have two periodical journals, one of which is edited by the society aiding deaf-mutes instructed by the oral method.

[NOTE.— Owing to lack of space, Professor Folkmar's address could not be published as originally delivered; and the brief abstract herewith submitted was received too late for insertion in "Social Economy Department." This will account for its appearance at the end of the volume.]

SOCIOLOGY AS BASED UPON ANTHROPOLOGY.

BY PROFESSOR DANIEL FOLKMAR, PARIS, FRANCE.

"Science for its own sake" has had its value as a motto, but "science for humanity's sake" is a nobler sentiment. The relation of sociology to anthropology and to other studies may be determined by their relative importance in human life and action. A classification of the sciences may be made upon an ethical basis. Imagine that all knowledge is, as yet, one science, and that the philosophic mind undertakes to set aside and subdivide those portions of it which are of most importance as a guide to conduct. Must not the philosophic mind, in the first place, come to the decision that all knowledge concerning man himself should be studied as a unity, and used as a basis for ethics? This is philosophical anthropology rather than sociology, and this gives rise to positive ethics. We are to judge of the future by the past in ethical matters as in all departments of thought. The ethical systems of the past have not done this. Their method has not been that of induction, but that of deduction.

This is a time of demoralization in thought and in action. This unsettlement is found not in morals only, but in politics, religion, and all the spheres of human life. If it be possible to base ethical principles upon the strong and indisputable facts of science, such a system is the need of the hour. The conquests of science have been made upon the basis of positivism. The great truth to be perceived is that the same spirit must be called into the field of morals,— that a positive system of ethics is a possibility. Glimmerings of this truth seem to have come to our greatest living philosopher, Herbert Spencer. But he halted and hesitated when he approached the vast and more important field of ethical application. The old will-o'-the-wisp of his predecessors, happiness, was the only guide Spencer was able to discover. Still, we do find material in his study of the history of morals, and in the ambitious volumes of Letourneau in the same field, which, it may be pre-

dicted, will form part of the foundation upon which the future structure of ethics will rest. The method on the scientific side has been discovered and well perfected for our use: it only remains to render equally precise the methods of art; for it is within this field rather than within the field of science that ethics lies. The study of the past and the present of man, from which the direction of his future may be foreseen, is covered by no existing science. In its totality it may be called philosophical anthropology. The old physical anthropology clearly covers only a fraction of this field. It has contributed its data of value. Sociology has contributed still more important material, and the special social sciences have worked in many directions upon the complex relations of human life. The need of the hour is a science and a philosophy which will gather all these lines in one hand, and give direction to the forces of progress. The destiny of humanity is involved in this attempt. There may be a wider ethic than that of man or of life in general. If this be true, this ethic will depend in like manner upon the philosophy that covers the phenomena, not only of anthropology and of biology, but of the universe. But this much may be said with confidence: that, since man forms a part of the universe which contains him, his destiny is, in large measure, wrapped up within himself, and his course may be foreseen and forewarned by a review of his progress in the past. Further than this, it will be possible to bring to the aid of anthropology contributions from all the physical sciences which throw light upon the relations existing between man and his physical environment and their mutual history and future.

Sociology is justified because it forms a part of philosophical anthropology, and as such contributes a knowledge of social relations and a study of social experiments and forces, which knowledge is needed for our decisions in social ethics. Sociology has been over-arrogant and lamentably ignorant as regards its true function. It has assumed to furnish in itself the solution of all questions in morals, and even an explanation of a great part of the psychical and physiological facts of individual life. It remains for philosophical anthropology to state the true limitations of sociology and its purpose in the hierarchy of sciences and arts. But, if sociology is to be based upon anthropology it will be necessary to give some idea of what is meant by the latter term; for philosophical anthropology is as yet hardly more than a name. A few simple and therefore crude definitions will indicate the writer's use of these terms.

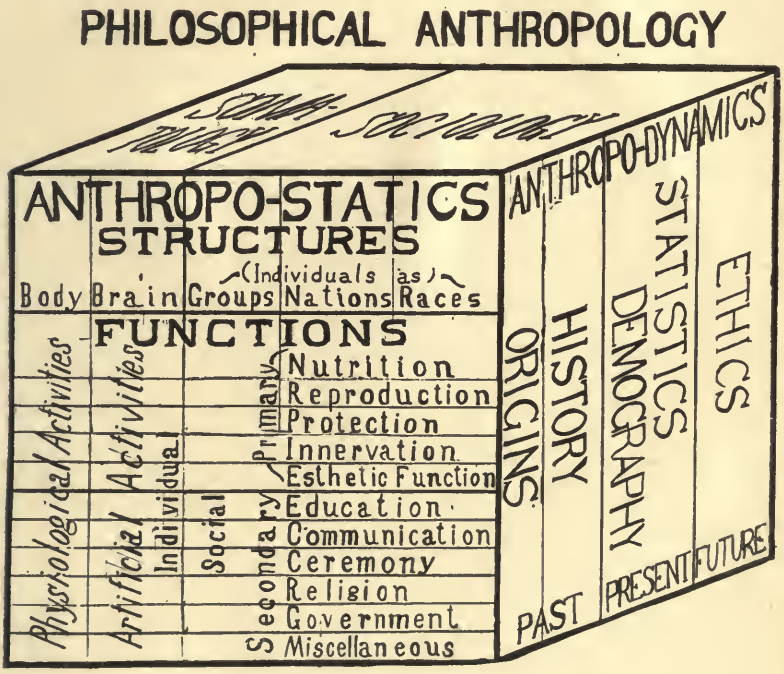
Philosophical anthropology may be defined as that part of philosophy which treats of human life, including both the broader generalizations of the science of human life and the philosophy of the art of living. It includes, therefore, all that may be known or foreseen concerning man, his past, his present, and his future. Anthropology, as thus defined, includes ethics and all studies in applied sociology, and includes as well all the special sciences which treat of man,—ethnology, ethnography, history, human physiology, psychology, and the like. Anthropology is in turn a part of philosophical biology. Stated in the briefest form, anthropology is the philosophy of human life. *Sociology* is that part of philosophical anthropology which treats of social phenomena. It, too, includes both a science (the *ensemble* of the so-called "social sciences,"—economics, political science, the science of the family, of religion, of education, etc.), on the one hand; while, on the other hand, it includes an art or the arts which may be summed up in the term "social ethics." Briefly, it is the science, or rather the philosophy, which treats of societies and consociations,—the science of association.

A *social phenomenon* is any action of a human individual upon a conscious human object, or it is a complex of such actions. In such a phenomenon there are always two or more individuals involved, although agencies may be used to carry the action of the one across centuries or around the world to the other. A *consociation* consists of two or more individuals who stand in the relation to each other of subject and object. There are, therefore, no social phenomena without consociation; and a consociation may continue but for an instant or it may endure through centuries. It may include only two individuals in chance contact, or an entire tribe or people. A *society* is a consociation of a more stable or complex order, generally lasting beyond the lifetime of an individual and including large masses of people. *Association* is the state or relation existing between the individuals of a consociation.

All so-called *social phenomena* are individual phenomena. They are psychical in their nature, and can be explained only in accordance with the laws of the psychology of the individual. Anthropology and sociology must therefore be considered as merely subdivisions of biology. There is a steadily growing tendency on the part of the keenest critics in sociology to take this latter view, and to abandon that held by Comte and all his most noted followers. But economy in the division of labor among scientists is the justification, not only for the existence of anthropology and

sociology as separate sciences, but for a number of subdivisions of them.

The anthropological and the sociological arts may well be ranked above the corresponding sciences. Arts are to be subdivided or classified with reference to their importance in satisfying human wants and with reference to their difficulty and the need of a high degree of specialization in pursuing them. Sciences are to be classified with reference to the degree in which they minister to the arts. Ideally, the art furnishes in every case to the science the reason for its existence. The art is to formulate the problems and to direct the efforts of the science. Thus considered, it becomes evident that, as ethics is the most important because it is the most inclusive of all the arts, so anthropology, as the foundation of ethics, ranks highest in honor and importance amongst all the sciences.



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CONTENTS OF JOURNAL No. XXXIV.

PAGE

INTRODUCTION iv

GENERAL MEETING OF 1896 . . . . . v–viii

BUSINESS OF 1896 . . . . . viii–ix

CONSTITUTION AND LIST OF OFFICERS AND MEMBERS . . . . . ix–xix

LIST OF PUBLICATIONS . . . . . xx–xxiv

A SOCIOLOGICAL RETROSPECT, ADDRESS OF THE PRESIDENT, F. J. KINGSBURY 1–14

I. PAPERS AND DEBATES OF THE DEPARTMENT OF EDUCATION: 15–97

1. DUTY OF HIGHER EDUCATION. PROF. DANIEL QUINN, 15–28

2. INDUSTRIAL EDUCATION IN OLD AND NEW ENGLAND. S. N. D. NORTH 29–42

3. THE WORKING-BOY. MRS. FLORENCE KELLEY OF HULL HOUSE 43–51

4. RELATION OF EDUCATION TO VOCATION. S. T. DUTTON, 52–62

5. DEBATE ON THE TRADE-SCHOOL PAPERS 63–67

MR. BROCKWAY'S REMARKS 63–65

MR. LEE'S REMARKS 65–66

INSTRUCTION OF THE COLORED CITIZENS: 67–

6. HIGHER EDUCATION OF THE COLORED PEOPLE. H. L. WAYLAND 68–78

7. REMARKS OF GEN. T. J. MORGAN 79–84

REMARKS OF PROF. SILAS X. FLOYD 84–86

REMARKS OF MR. B. T. WASHINGTON 86–88

REMARKS OF MR. HUGH M. BROWNE 89–97

II. PAPERS OF THE JURISPRUDENCE DEPARTMENT: 98–139

1. INTERNATIONAL JUSTICE. DAVID JAYNE HILL . . . 98–116

2. LEGISLATION AND JURISPRUDENCE. J. WARREN GREENE, 117–125

3. MODERN MUNICIPAL REFORM. ST. CLAIR M. KELWAY, 126–139

III. PAPERS OF THE FINANCE DEPARTMENT: 140–181

1. FALLACIES OF INDUSTRIAL STATISTICS. S. N. D. NORTH, 140–153

2. MUNICIPAL ENTERPRISES FOR PROFIT. PROF. S. M. LINDSAY 154–161

3. ECONOMIC PRODUCTIVITY OF MUNICIPAL ENTERPRISES. PROF. W. F. WILLCOX 162–173

4. PROBLEMS OF MUNICIPAL GOVERNMENT. PROF. J. H. CLAY 174–181

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